

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 22/1033/FUL

Grid Ref: E: 310979
N: 291595

Community Council: Newtown And Llanllwchaiarn Community

Valid Date: 14.07.2022

Applicant: Mr N Bryant

Location: Former Motorworld Site, Gas Street, Newtown, SY16 2AB

Proposal: Demolition of existing building, erection of a building containing a ground floor retail space and 6 flats above, to include with associated auxiliary spaces and all associated works

Application Type: Full Application

Reason for Committee determination

The Local Member has exercised their call-in powers for the following reason:

'The scale of the new development as the height of the building is out of character for the area'.

Consultee Responses

Consultee

Received

Community Council

3rd Aug 2022

The Town Council supports the application subject to concerns raised about contaminated land, highways, and environmental protection being satisfied. Whilst the application is supported by (SPG) Newtown & Llanllwchaiarn Place Plan policies TC-a and HF-a points 1 & 2, HF-a points 4 & 5 do not support the application. The Town Council would look for the development to incorporate renewable energy features and include cycle storage and lockers commensurate with the size of the development.

Community Council

5th Jan 2023

The Town Council objects to the application in its current form as it does not complement or enhance the surrounding conservation area (DM13) and recommends that it should be

withdrawn and re-submitted after seeking advice from the Powys CC Built Heritage officer.

PCC-Building Control

15th Jul 2022

Please be aware that a Building Regulations application will need to be submitted prior to commencement.

PCC-Emergency Planning Officer

21st Oct 2022

I visited the site at Former Motorworld Site Gas Street Newtown on Thursday 20th October 2022. The site backs on to the river Severn, on a raised part of Gas Street. There is no record of the Severn overflowing in this area during the record river levels of Storm Dennis in February 2020.

In the event of flooding the most appropriate emergency plan would be to remain in the dwelling(s) to wait for the flood water to subside, as it has historically been shown to. If there is a need to evacuate during a flood, for a medical emergency, then I would recommend that this is done by 4x4 vehicle travelling west from Gas Street and into the town centre.

Cadw - SAM

No response received.

Ancient Monuments Society

9th Aug 2022

Comments: HB&P has reviewed the documentation available online. We recognise the existing building is of little architectural merit and therefore have no concerns with the principle of redeveloping this site. However, we must object due to the negative impact the proposed building would have on the character of the Newtown Conservation Area and setting of nearby heritage assets.

The site is located within the eastern boundary of Newtown Conservation Area. While there is no conservation area character appraisal for Newtown, TAN 24, Powys Local Development Plan Policy DM13, and the Character & Heritage Planning Policies in the Newtown & Llanllwchaiarn Place Plan SPG 2021 (particularly CH-a, CH-b, & CH-c) reinforce the principle that all new development within a conservation area should

contribute positively to the established character & local distinctiveness.

We do not consider the proposed building to be compatible with the established character of the conservation area due to its height, scale, bulk and massing. The Heritage Statement suggests that 5 storey buildings are acceptable as others have been approved in the town, however the examples provided (page 6) do not appear to be within the boundaries of the conservation area.

The general built form along Gas Street is 2- 3 storeys with varied roof forms, gables and dormers. At 5 storeys, the proposed building would dominate the streetscape and be overbearing to the setting of the grade II listed wooden framed buildings opposite, particularly in views from the south along the street. The materials and design do little mitigate these impacts or make the building more compatible with its surrounds, and the bulky design does not enhance the special character or interest of the conservation area.

In its current form, the application does not accord with Paragraph 5.9 and 5.13 of Technical Advice Note 24: The Historic Environment (TAN 24, May 2017) and the Planning (Listed Buildings and Conservation Areas) Act 1990, which require planning authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

We recommend the application is withdrawn until a revised scheme is developed that addresses the above heritage and conservation area concerns. I would be grateful if we could be informed when this additional information becomes available.

Ward Councillor

4th Aug 2022

I would like this application regarding the development of the old Motorworld building to be called in.

I would like this done under the ground to the scale of the new development as the height of the building is out of character for the area.

PCC-Contaminated Land Officer

25th Jul 2022

It is noted that the proposed development is situated on land indicated as being a former gas works which represents a potential high risk source of contamination.

Based on the former use of the land, the sensitivity of the development, and an absence of appropriate supporting information, the application should be refused until such time as the applicant demonstrates that potentially significant liabilities have been assessed and

understood.

Planning Policy Wales s.6.9.19 states:

'Where land contamination issues arise, the planning authority will require evidence of a detailed investigation and risk assessment prior to the determination of the application to enable beneficial use of land, unless it can already be established that remedial measures can be employed¹⁵⁵. Where it is known that acceptable remedial measures can overcome contamination, planning permission may be granted subject to conditions specifying the necessary measures and the need for their implementation, including provision for remediating any unexpected contamination which may arise during construction. If contamination cannot be overcome satisfactorily, the authority may refuse planning permission.'

PCC-Contaminated Land Officer

10th Oct 2022

I have reviewed the following report submitted in support of this application:

- o Phase 1 geo-environmental report, Sladen Associates, August 2022, ref: 22 2490.

Firstly, there is no indication of any quality assurance process that has been undertaken in the production/sign off of the report. Clarification is required.

The report has identified that the subject site is adjoining a former gas works but considers that risks from this feature (and other issues) are a low to moderate risk. Furthermore, whilst an intrusive investigation is proposed it appears to be as an 'add-on' to an investigation for foundation design/drainage etc.

Our experience of gas works sites is that contamination is encountered over a relatively wide area as soil contamination but also that other pathways (which the report acknowledges) such as diffusion through groundwater and vapour may exist. I consider the report significantly down grades these risks further enforced by what appears to be minimal suggested investigation works without any detail.

In order to progress matters, I would expect to receive detailed, justified proposals that seek to adequately characterise potential risks.

PCC-Contaminated Land Officer

15th Feb 2023

The subject site adjoins a former gas works which is potential contaminated land.

Therefore, the following conditions are appropriate.

Condition A

Condition 1 Preliminary Investigation

No development shall commence until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

A desk study

A site reconnaissance

Formulation of an initial conceptual model

A preliminary risk assessment

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency guidance - Land Contamination: Risk Management (LCRM; 2020) and the WLGA document Development of Land Affected by Contamination: A Guide for Developers (2012).

Condition 2. Site Characterisation

No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins.

The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

Condition 3. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 2 has been received from the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11 and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

Condition 4. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11 and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

The area of the proposed works is within the Conservation Area for Newtown and the Built Heritage Conservation Officer should be consulted regarding the works. The buildings proposed for demolition are Early-Mid 20th century and potentially a prefabricated garage which would be of at least local architectural and historic interest. In this case we would recommend a Photographic Survey of the building to obtain a record of the structure prior to its demolition.

The site is also within the Medieval Core of Newtown, and we would recommend an Archaeological Watching Brief on the groundworks for the new apartment block as these plots typically contain evidence of medieval structures, wells, refuse pits, property ditch boundaries and artefacts of all periods.

The conditions in this case would be:

1. Archaeological Photographic Survey

Development shall not begin until an appropriate photographic survey, (equivalent to an Historic England level 1 Survey - Understanding Historic Buildings, 2016) of the existing buildings has been carried out in accordance with details to be submitted to, and approved by, the Local Planning Authority. The photographic survey will be completed by an archaeological contractor.

Reason:

To allow an adequate analytical record of the buildings before conversion, renovation, and extension and to ensure that the buildings origins, use, and development are understood and the key features, character and state of preservation are recorded.

Watching Brief

Suggested planning condition to facilitate an archaeological watching brief.

The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs and will be completed in accordance with a written scheme of investigation, which has been approved in advance by the Local Planning Authority

PCC-Affordable Housing Officer

27th Sep 2022

The Strategic Housing Authority supports the proposed affordable housing statement to provide a 1-bed flat and a financial contribution for 0.4 dwelling. Below social rent housing need figures.

Powys Common Housing Register for Social Housing and Social Housing Supply
Newtown – July 2022

1. Summary

| | |
|--------------------------------------|-----|
| households' 1st choice: | 682 |
| households' 2nd or subsequent choice | 288 |
| households with a local connection: | 650 |

2. Housing Need and Demand

Band 1, 2 and 3: Households that are in housing need.

Band 4: Households that are not in housing need, but would like to move.

Band 5: Households with and without housing need, but not ready to move.

Number of bedrooms is maximum number of bedrooms according common allocation policy.

Households registered with Newtown as first preferred choice.

| 1 st choice | 1-bed | 2-bed | 3-bed | 4-bed | ≥5-bed | Total |
|------------------------|------------|------------|-----------|-----------|-----------|------------|
| Band 1,2,3 | 171 | 158 | 40 | 26 | 8 | 403 |
| Band 4 | 77 | 86 | 38 | 14 | 2 | 217 |
| Band 5 | 33 | 21 | 6 | 2 | | 62 |
| Total | 281 | 265 | 84 | 42 | 10 | 682 |

Households registered with Newtown as second or subsequent preferred choice.

| 2 nd choice | 1-bed | 2-bed | 3-bed | 4-bed | ≥5-bed | Total |
|------------------------|------------|------------|-----------|-----------|----------|------------|
| Band 1,2,3 | 63 | 67 | 20 | 18 | 4 | 172 |
| Band 4 | 36 | 33 | 18 | 4 | | 91 |
| Band 5 | 15 | 5 | 5 | | | 25 |
| Total | 114 | 105 | 43 | 22 | 4 | 288 |

Households registered with Newtown as a preferred choice (both tables above combined).

| 1 st or sub choice | 1-bed | 2-bed | 3-bed | 4-bed | ≥5-bed | Total |
|-------------------------------|------------|------------|------------|-----------|-----------|------------|
| Band 1,2,3 | 234 | 225 | 60 | 44 | 12 | 575 |
| Band 4 | 113 | 119 | 56 | 18 | 2 | 308 |
| Band 5 | 48 | 26 | 11 | 2 | 0 | 87 |
| Total | 395 | 370 | 127 | 64 | 14 | 970 |

3. Social Housing Supply

Homes let by RSLs and Powys County Council in Newtown

| | 1-bed | 2-bed | 3-bed | 4-bed | ≥5-bed | Total |
|--|-------|-------|-------|-------|--------|-------|
| | 424 | 579 | 682 | 64 | 4 | 1753 |

4. Known affordable homes development in Newtown

Several developments in different stages.

| tenure | 1-bed | 2-bed | 3-bed | 4-bed | ≥5-bed | Total |
|-------------|-------|-------|-------|-------|--------|-------|
| social rent | 92 | 38 | 16 | 5 | 1 | 152 |

| tenure | 1-bed | 2-bed | 3-bed | 4-bed | ≥5-bed | Total |
|------------|-------|-------|-------|-------|--------|-------|
| shared own | 4 | 12 | 12 | 6 | | 34 |

Environmental Protection

26th Jul 2022

Despite the description of the application, above, which states 'ground floor retail space', the Planning Statement states that:

"...the applicants wish to retaining [sic] the ground floor having Sui Generis use class to allow for flexibility of end user from retail, financial and professional services, food and drink or business."

If the application were specifically for A1 class retail use, I would have no objection. However, due to the potential under a Sui Generis use class for restaurants, takeaways, bars, nightclubs etc., I will need to see noise impact assessment and odour impact assessment reports to demonstrate that the above residential properties will suffer no loss of amenity.

At present, I will have to object on the basis of insufficient information.

Environmental Protection

29th Jul 2022

I have no objection to the application.

Natural Resources Wales (Mid Wales)
DPAS

2nd Aug 2022

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk. If this information is not provided, we would object to this planning application. Further details are provided below.

Flood Risk

The planning application proposes a highly vulnerable development of seven flats which will also include a ground floor retail unit. Our Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15 and the FMfP identifies the application site to be at risk of flooding and falls partially into Flood Zone 2 (Rivers).

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate, through the submission of an

FCA, that the potential consequences of flooding can be managed to an acceptable level.

We are unable to give you technical advice on the acceptability of flooding consequences, as no FCA has been submitted. Therefore, if the development can be justified, the above requirement should be met prior to the determination of the application. We can then advise you whether the FCA is in accordance with the technical criteria in Appendix 1 of TAN15.

If an FCA is not submitted or any subsequent FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we object to the application. The criteria for the FCA, which should normally be undertaken by a suitably qualified person carrying an appropriate professional indemnity, are given in Section 7 and Appendix 1 of TAN15. The FCA should be proportionate to the development proposed.

You may also refer to our website, which contains technical advice and recommendations.

Please inform us, in accordance with paragraph 11.7 of TAN15, if you are minded to grant permission for the application contrary to our advice.

Pollution Prevention and Watercourse

Our maps indicate that the application site is located within 55m of a watercourse (River Severn). Due to the large scale of the proposed demolition and construction works, we advise that as a precautionary measure, to prevent any potential pollution to the nearby watercourse that you refer the Applicant to the following relevant measures and guidance to be adhered to: Guidance for Pollution Prevention (GPPs)

Protected Species

The Preliminary Ecological Appraisal by Biome Consulting Ltd dated 21st February 2022, confirms that no European Protected Species (EPS) were found present within the area to be affected by the development. We consider that in respect of EPS, the report is satisfactory to inform the planning determination and therefore, we have no further comment to provide.

Natural Resources Wales (Mid Wales)
DPAS

12th Oct 2022

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk. If this information is not provided, we would object to this planning application. Further details are

provided below.

Flood Risk

The planning application proposes a highly vulnerable development of seven flats which will also include a ground floor retail unit. Our Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15 and the new Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls partially into Flood Zone 2 (Rivers).

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of a Flood Consequence Assessment (FCA) that the potential consequences of flooding can be managed to an acceptable level. We have reviewed the FCA undertaken by Flume Consulting Engineers, dated September 2022, reference 1255. Our advice to you is that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level for the reasons explained below.

- o The FCA has used the incorrect site location on some of the maps which means that contrary to the FCA statement, the site was affected by flooding (notably 1964) prior to the defences being constructed. Without the benefit of the defences or in a breach or overtopping scenario, the site could be affected.

- o The FCA has not considered the following:

- o breach scenarios,

- o 0.1% plus climate change extents (site will be part affected),

- o and the undefended scenario.

- o The FMfP has not been used in comparison with the DAM. In this instance, the FMfP corroborates the DAM, the site is on the edge of the extreme flood extent.

- o Relative to the scale and nature of the proposed, i.e. a less vulnerable development on the ground floor with highly vulnerable development on upper floors; flood hazards, if any, could potentially be manageable with adoption of elevated ground floor level/flood resilience. However, we advise that further work/amendments are needed to ensure that the proposed ground floor level is set above the extreme flood event level.

- o We advise that the Newtown hydraulic model should be used to inform an amended FCA

Therefore, we advise that you seek an amended FCA from the Applicant which includes and takes account of the bullet points listed above.

The emergency planner at Powys County Council should also be consulted by Applicant or LPA to ensure that increased occupancy in a flood zone, albeit defended, is acceptable.

If no further information is submitted, or a revised FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we object to this application.

Please inform us, in accordance with paragraph 11.7 of TAN15, if you are minded to grant permission for the application contrary to our advice.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans 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.

Further Advice

Please refer to our previous letter (CAS-193930-R8Z5 dated 02/08/2022) for advice in relation to 'Pollution Prevention and Watercourse' and 'Protected Species'.

Natural Resources Wales (Mid Wales)
DPAS

21st Nov 2022

Having reviewed the additional information, we do not have any further comment to make on the development at this stage.

Please refer to our previous response letter (CAS-199386-T8H7 dated 12/10/2022), for our concerns and advice on flood risk this site/planning application, which still stands.

Natural Resources Wales (Mid Wales)
DPAS

25th Jan 2023

We continue to have concerns with the application as submitted. However, we are satisfied

that these concerns can be overcome by attaching the following conditions to any planning permission granted:

Conditions

1. All ground floor levels/thresholds are at least 150mm above adjacent ground level.
2. Flood resistant and resilience measures to be incorporated to respond to any residual flood risk.

Please note, without the inclusion of these conditions we would object to this planning application. Further details are provided below.

Flood Risk

The planning application proposes highly vulnerable development consisting of demolition of existing building, erection of a building containing a ground floor retail space and 7 flats above. Our Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15 and the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 2 and defended zone. We have reviewed the following revised Flood Consequences Assessment (FCA) submitted in support of the application to provide you with technical advice on the acceptability of flooding consequences in accordance with Appendix 1 of TAN15:

Former Motorworld, Site Flood Consequences Assessment by Flume Consulting

Engineers dated 28th November 2022 (ref: 1255)

We acknowledge Version 2 of the FCA clearly and helpfully addresses the flood risk concerns raised in our previous response (CAS-199386-T8H7 dated 12/10/2022).

The revised FCA has utilised available flood modelling data and demonstrated that A1.14 and A1.15 are satisfied and that risks in an extreme or breach event are manageable.

The concluding recommendations within the FCA on Page 24 should be adhered to, including ensuring all ground floor levels/thresholds are at least 150mm above adjacent ground level and that flood resistant and resilience measures will be incorporated to respond to any residual risk.

In summary, the FCA shows that the risks and consequences could be managed to an acceptable level, provided the above planning conditions are attached to any permission granted.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other

professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on or grant the adequacy of flood emergency response plans 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.

Further Advice

Please refer to our previous letter (CAS-193930-R8Z5 dated 02/08/2022) for advice in relation to 'Pollution Prevention and Watercourse' and 'Protected Species'.

Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

PCC-Built Heritage Officer

9th Aug 2022

The proposal is to demolish a corrugated iron garage, of the type typically built in many towns across the country between 1920-1950. It is in many respects a usual street scene feature. It is proposed to be replaced with a block of flats, 4 storeys high.

To demolish a building within a conservation area a Conservation Area Consent application is required, and one has not been received alongside this application.

To build within a conservation area, the SPG for Conservation Area lays out how a Character Appraisal of the surrounding area should take place. From this, the proposed design should evolve from this. It is not clear that this has taken place, and the design does not fit in with its environs.

Policy DM13 - Design and Resources Development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. Proposals will only be permitted where all of the following criteria, where relevant, are satisfied:

1. Development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.
2. The development contributes towards the preservation of local distinctiveness and sense of place.
3. Any development within or affecting the setting and/or significant views into and out of a Conservation Area has been designed in accordance with any relevant adopted Conservation Area Character Appraisals and Conservation Area Management Plans, or any other relevant detailed assessment or guidance adopted by the Council.

The proposal is considered contrary to policy DM13;

The design does not complement or enhance the local area. The wall to glass ratio does not relate to the surrounding existing buildings. The materials selected, apart from the brick ground floor, are not appropriate in the proposed context. The scale of the development is such that it is more than twice the height of neighbouring properties. The detailing does not reflect any existing development on the street, or more broadly in the town. The appearance is striking, but lack of colour, detail or high quality materials mean it does not integrate into the surrounding.

The proposal would detract from the local distinctiveness of the area.

The development would impact the setting of several important listed buildings, including the only remaining timber framed buildings within Newtown. The height of the building would mean it projects above the normal roofline of the town, and would be seen from afar.

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."

Paragraph 6.1.10 of Planning Policy Wales 11th edition 2021 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 11 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 11th 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".

Preserving means "doing no harm" and the harm to the setting of the listed buildings identified should be afforded considerable weight.

TAN24 addresses setting with some of the factors to consider and weigh in the assessment including:

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

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact.

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.

It is noted that section 2.2 of Managing Setting of Historic Assets 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 proposal would be contrary to the above guidance and legislation, as it would impact negatively on the listed buildings opposite. This is in relation to the scale of the development being out of character (in particular the height), the choice of materials being out of keeping, and also the roofline, and window shapes and amount of glass proposed being at odds with the listed buildings in such a way that it provides a jarring visual impact.

Recommendation

Withdrawal and Built Heritage Pre-App advice sought.

PCC-Built Heritage Officer

6th Sep 2022

Amended plans have been received, lowering the height of the building and changing the principal material to brick, and altering the fenestrations.

The previous response from the BHO in relation to this application advised that a character appraisal should take place to inform the design of the building. It was also recommended that the application be withdrawn and Built Heritage Advice be sought. This has not taken place.

The use of red brick with yellow string courses and arches would be more in keeping with the surroundings, and the fenestrations more readily reflect the buildings in the surrounding area. However, the height to eaves is still nearly double that of the adjoining neighbouring property. Further to this, the neighbouring property to the left is one and a half storeys, and beyond that the terraced houses are two storeys with dormer windows. Opposite, the listed timber framed cottages are three storeys, the 'basement' level, is however, not a full storey, and the top floor uses dormer windows. It is therefore not in the same scale as the proposed development. The listed Natural Health Centre (Cadw ID 8004) is on an elevated position atop a mound, it is a Georgian building and has a basement level, a ground floor, a first floor and a second floor, the last being squashed in under the eaves. The proposed height of the development is not in line with any of these buildings, and out of keeping with that of the locality.

Further to this, the general design of the building is somewhat confused and does not stylistically conform to any particular architectural class, be it even the 'country' or 'vernacular' version. The jettying of the first floor over the ground floor is usual in post war shopping precincts, as the use of steel and concrete allow for this type of construction. Historically, however, such a projection would require a colonnade or pillars. The shape and bulk of the first and second floors are also completely at odds with the ground floor. The windows and doors to the ground floor do not respond, mirror or match any other window on the elevations.

Furthermore, a parapet wall to the top is historically used to create an imposing, flat façade. Here, however, it is not a usual architectural feature. The inter-war Post Office nearby is one such example in Newtown, but it is not a common feature. Such a design would more normally conform to Classical principles, and the height of the various windows would vary between floors. In the present proposal this does not take place.

The roofline of the building is a half-hipped-gable common in France, Germany, Switzerland. It had favour in England in the south during the medieval period, and Britain more generally during the Victorian Gothic period, but does not blend into its proposed location. Furthermore, it would be at odds with the parapet wall, which as it is used here is a feature of classically inspired architecture rather than that of the Gothic.

Parapet walls can be used to gain additional rooms in a roof without being evident from the street. Similarly, mansard roofs are utilised for the same effect.

The design of the slate roof is proportionally at odds with the rest of the building, so that it does not appear to relate to the building underneath it. The brickwork from the flat roof upwards does not relate to any wall underneath it, and appears most strange to the eye.

Whilst some elements of the proposed building may be found on various buildings in Newtown, there is no building quite like it as a whole.

Policy DM13 - Design and Resources Development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. Proposals will only be permitted where all of the following criteria, where relevant, are satisfied:

1. Development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.
2. The development contributes towards the preservation of local distinctiveness and sense of place.
3. Any development within or affecting the setting and/or significant views into and out of a Conservation Area has been designed in accordance with any relevant adopted Conservation Area Character Appraisals and Conservation Area Management Plans, or any other relevant detailed assessment or guidance adopted by the Council.

The proposal is considered contrary to policy DM13; in particular the development does not complement or enhance the surroundings in terms of appearance, integration, scale, height, massing, and design detailing.

It should also be noted that the site is rather a significant one for Newtown as it is visible

on entering the town in relation to the Robert Owen Memorial, which is a focal point in the conservation area.

The development would impact the setting of several important listed buildings, including the only remaining timber framed buildings within Newtown. This is in terms of its scale and massing being out of keeping with the surroundings, and its architectural design being at odds with the genius loci in such a striking way.

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."

Paragraph 6.1.10 of Planning Policy Wales 11th edition 2021 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 11 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 11th 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"

Preserving means "doing no harm" and the harm to the setting of the listed buildings identified should be afforded considerable weight.

TAN24 addresses setting with some of the factors to consider and weigh in the assessment including

- o the prominence of the historic asset
- o the expected lifespan of the proposed development

- o the extent of tree cover and its likely longevity
- o non-visual factors affecting the setting of the historic asset

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact.

Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24. 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.

It is noted that section 2.2 of Managing Setting of Historic Assets 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 proposal will harm the setting of the listed buildings opposite, Cadw ID; Bank Place;8102, 8103, 8104, as well as The Natural Health Centre; 8004. Further to this, it is at odds with the DM13 in relation to the Conservation Area.

Recommendation

Refusal.

PCC-Built Heritage Officer

11th Nov 2022

Comment

Amended plans have been received, altering the design slightly. Previously withdrawal or refusal were advised and it was requested that Built Heritage Advice was sought.

The principle of the demolition of the existing corrugated iron structure and replacement with a ground floor shop with flats above is considered acceptable. This is, however, subject to design.

The main frontage of the building is more usual of development within Newtown, though it is still rather higher than neighbouring properties.

The use of sash windows, brick and string courses is welcome and conforms to the SPG for Conservation Areas, alongside the slate roof.

Examples of four storey buildings can be found in Newtown, but they are not the most common type of house. Often, as in the case of the listed buildings opposite, the building is only considered three or four storeys as the 'ground floor' is partly underground and in use as a basement. Here, the building is much taller than its neighbour, and not in line with the street scene.

The orientation of the roof is such that it provides a gable to the street, this emphasises the height of the building. This design feature can be found in Newtown, but rarely is it used on a building of this width unless it is a warehouse or building with some former industrial use. Occasionally chapels were orientated in this way, and thus a very imposing or elaborate façade could be projected to the street. In this case, a Victorian aesthetic has been provided. However, the proposed shop front is Georgian in style.

Within the Conservation Area chimneys should be included on development.

The height to ridge of the immediate neighbouring property is 7.6 meters. The proposal is 12.9m meters to ridge. In particular, the width of the roof, in part due to the gable facing the street, means that it is 4.2 meters high, whereas the neighbouring property is 2.3meters high. The height of the first two houses on The Bank (to ridge) is nearly 9 meters. It is considered that the proposal would be considerably larger than any properties nearby.

The use of so many solar panels facing the listed building opposite, and into the conservation area, would not be supported. Solar panels should be mounted in such a way that they are not visible to the street, or in the view of listed buildings.

Policy DM13 - Design and Resources Development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. Proposals will only be permitted where all of the following criteria, where relevant, are satisfied:

1. Development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.
2. The development contributes towards the preservation of local distinctiveness and sense of place.
3. Any development within or affecting the setting and/or significant views into and out of a

Conservation Area has been designed in accordance with any relevant adopted Conservation Area Character Appraisals and Conservation Area Management Plans, or any other relevant detailed assessment or guidance adopted by the Council.

The proposal is considered contrary to policy DM13; in particular the development does not complement or enhance the surroundings in terms of appearance, integration, scale, height, massing, and design detailing.

It should also be noted that the site is rather a significant one for Newtown as it is visible on entering the town in relation to the Robert Owen Memorial, which is a focal point in the conservation area.

The development would impact the setting of several important listed buildings, including the only remaining timber framed buildings within Newtown. This is in terms of its scale and massing being out of keeping with the surroundings, and the inclusion of solar panels.

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."

Paragraph 6.1.10 of Planning Policy Wales 11th edition 2021 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."

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Preserving means "doing no harm" and the harm to the setting of the listed buildings identified should be afforded considerable weight.

TAN24 addresses setting with some of the factors to consider and weigh in the assessment including

- o the prominence of the historic asset
- o the expected lifespan of the proposed development
- o the extent of tree cover and its likely longevity
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Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24. 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.

It is noted that section 2.2 of Managing Setting of Historic Assets 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 proposal will harm the setting of the listed buildings opposite, Cadw ID; Bank Place;8102, 8103, 8104, as well as The Natural Health Centre; 8004. Further to this, it is at odds with the DM13 in relation to the Conservation Area.

Recommendation

The proposal with amendments could be made acceptable. These would see the scale of the building, in particular the height, reduced. Furthermore, certain aspects of the design, such as the solar panels facing the street and listed buildings would have to be removed. Chimneys should be added to the development. Ideally, other details, such as the Georgian shop window on a Victorian style building should be changed. As this is the third set of amended plans it would be preferable for withdrawal and Built Heritage Advice to be

sought. In this way more specific advice could be given.

PCC-Built Heritage Officer

13th Feb 2023

This is the fourth Built Heritage response on this application, the first requested the application be withdrawn and Built Heritage Advice sought. The continual and significant amendment of a live planning application is not the correct way to design development.

Alterations to change the shop window are welcomed.

Alterations to adjust the balcony design to the rear are welcome.

The orientation of the roof, coupled with the width of the building mean it is much taller than other buildings on the street. Furthermore, the height of the floors in comparison to neighbouring development mean it is already taller.

Very often window heights and floor heights change on different floors of a building. Externally this can make the aesthetics of a building façade less imposing. More usually windows on the second or third floor are much shorter than on other floors. This detailing has not been carried over onto the proposal, but is apparent on all other buildings over two floors in the area.

There is an opportunity here to make use of a parapet wall on the front elevation (which has the shop window) and to have the main body of the slate roof going in line with the eaves on the left hand frontage (i.e. the roof being at 90 degrees to its main format now). In this way there would be a flat roof behind the parapet wall, and the slate roof would be set back from the street. This would reduce the visual impact of height here, dormer windows being used for the attic flat. It would also provide balcony space without the need for the existing arrangement of the inserted flat roof dormer to the side. Further to this, the height of the roof from eaves to ridge would likely be reduced. This method is employed on several buildings in Newtown, most notably on High Street. Advice in regards to this was given in previous BHCO comments.

In regards to the solar panels on the South East elevation, this direction of the roof is visible when entering Gas Street from Shortbridge Steet. It will be more prominent due to the height of the building over that of neighbouring development.

Within its own street scene, the building would be considerably taller than anything adjacent to it. Previous comments have been given on this and the height has not changed.

The considerations in Gas Street have been outlined previously, but in regards to the conservation area the site is visible when entering Newtown, and in particular is within the

setting of the Robert Owen Memorial Garden. Further to this, the proposed site is opposite a row of the last remaining historic timber framed buildings within Newtown. These buildings are listed, as is the Georgian building to the left.

It is therefore considered that in relation to DM-13.3 the proposal would harm the setting of the Conservation Area in this area. This is in relation to DM13-1, the proposal has not been designed to complement and/or enhance the character of the surrounding area in terms of integration, height and detailing.

The proposal will harm the setting of the listed buildings opposite, primarily Cadw ID; Bank Place; 8102, 8103, 8104. That the proposed development height is incongruous in relation to them.

Recommendation

Withdrawal and Built Heritage Advice sought.

Hafren Dyfrdwy

25th Jul 2022

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:

- o 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
- o 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

Hafren Dyfrdwy advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Hafren Dyfrdwy to discuss the proposals. Hafren Dyfrdwy will seek to assist in obtaining a solution which protects both the public sewer and the building.

The developer's attention is also drawn to the legal requirement for all sites to enter into a

Section 104 sewer adoption agreement with Hafren Dyfrdwy before any sewer connection can be approved, in line with the implementation Schedule 3 of the Floods and Water Management Act 2010. Full details of this are provided on our website www.hdcymru.co.uk under the 'New Site Developments' section.

PCC-(M) Highways

25th Jul 2022

The proposed demolition of an existing building and erection of a new building to include 7 flats and a retail space is supported by the Highway Authority and whilst we support the widening of the footway for pedestrians at a particularly narrow section of footway we do have concerns that the proposed cantilevered detail at the narrowest section of footway and consequently at the closest point to the live carriageway, could pose problems for high sided vehicles. The proposed elevations and 3D views clearly show the cantilever detail jutting out from the building but there is no reference to the existing carriageway. Therefore, we must request that the applicant submit cross section details at 5 metre intervals, where the cantilever is located, which should include the carriageway, edge of the carriageway or kerb line, footway and horizontal position of the cantilever. Since the cantilever will be located at the first floor level we need to ensure that any high sided vehicle whether passing or making deliveries does not inadvertently hit the cantilever.

PCC-Ecologist

8th Aug 2022

Recommendation:

Holding objection - further information is required

Policy background:

- o Planning Policy Wales, Edition 11, 2021
- o Technical Advice Note (TAN) 5
- o Powys Local Development Plan 2011 - 2026:

DM2 - The Natural Environment

DM4 - Landscape

DM7 - Dark Skies and External Lighting

- o Powys Supplementary Planning Guidance: Biodiversity and Geodiversity (2018)

Legislative background:

- o The Conservation of Habitats and Species Regulations 2017 (as amended)
- o Environment (Wales) Act 2016

Statutory sites within 500m:

- o None

Non-statutory sites within 500m:

- o None

Records of protected and/or priority species identified within 500m? Yes

Comments:

The application is informed by the following information:

- o Dreux, S. (21/02/2022) Motorworld Building, Gas Street, Newtown, Powys. Preliminary Ecological Appraisal. Biome Consulting Ltd.

Survey effort and methods employed in accordance with current national guidelines? Yes, although survey time was sub-optimal for vegetation survey it is not considered to affect the outcome of the assessment.

The building was assessed as having negligible potential to support roosting bats but did provide some potential for nesting birds; appropriate mitigation measures for breeding birds are provided. No other protected or priority species were predicted to be negatively impacted by the proposal.

It is therefore recommended that adherence to the mitigation measures for nesting birds is secured through an appropriately worded planning condition.

I concur with NRW's advice that a pollution prevention plan is provided to ensure that contaminants from construction are prevented from reaching the River Severn, for example via adjacent road or other surface water drains.

It is therefore recommended that submission of a pollution prevention plan is secured via an appropriately worded planning condition.

Although the development is located within an urban area and lower levels will be subject to illumination from existing streetlights, it is appropriate that careful consideration is given to any external lighting of the proposed development, including from upper floor balconies.

Measures will need to be identified to minimise impacts to nocturnal wildlife commuting or foraging in the local area. Any external lighting proposed will need to demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018).

It is, therefore, recommended that adherence to wildlife sensitive lighting measures is secured through an appropriately worded planning condition.

Biodiversity enhancement:

No information has been provided to demonstrate that the proposal will provide a net biodiversity gain. The Chief Planning Officer for Wales has confirmed that 'where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission.' Therefore, details are required regarding incorporation of features to enhance biodiversity and ensure the development provides a net benefit for biodiversity.

Examples of suitable features could include:

- o Provision of bird and bat boxes. The proposal should include details of the number, type and location of boxes,
- o Provision of wildlife-friendly landscape planting.

Given the design and location of the proposed development, the provision of integrated swift bricks below the eaves would be a welcome enhancement. The bricks are unobtrusive when installed and require no maintenance.

Further information required prior to determination:

- i. Biodiversity enhancement plan

PCC-(N) Land Drainage

2nd Aug 2022

PCC Land Drainage have no comments to make on this application at this time.

However, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval.

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>.

Alternatively, please contact the SAB Team on 01597 826000 or via email sab@powys.gov.uk.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs.

PCC-(N) Land Drainage

30th Sep 2022

PCC Land Drainage have no comments to make on this application at this time. As the main source of flood risk is fluvial from the River Severn (Main River), if not already done so, NRW should be consulted.

Representations

Following the display of a site notice on 21st July 2022, 181 representations have been received, 57 in support and 124 in objection. The representations are summarised as follows:

- Removal of existing vacant building would improve appearance of area
- Proposed new building would fit in with area and new Gas Street car park
- Need for housing
- Provide affordable housing
- Good design
- Economic benefits
- Improve street scene
- Enhance the conservation area

- Conflict with local plan
- Development too high
- Inadequate parking provision
- Loss of light
- Unnecessary retail provision when there are empty shops in town
- Affect local ecology
- Close to adjoining properties
- General dislike of proposal
- Noise nuisance
- Out of keeping with character of area
- Over development
- Strain on existing community facilities

Increase of pollution
 Inadequate access
 Loss of privacy
 Inadequate public transport provisions
 Increased danger of flooding
 Potentially contaminated land
 Overlooks and adjacent to historic buildings
 Impact on Conservation Area
 Poor quality design
 Queries housing need, density and housing type
 Additional strain on outdated public foul drainage system
 More open space needed on development
 Loss of parking provision
 Residential amenity
 Pre application advice should have been sought
 Ground floor flats would be useful instead of retail
 Impact upon tourism
 Impact upon dark skies
 Impact on fire safety due to height of building and local fire crew not having vehicle equipped for rescue above two storeys
 Impact upon living conditions of proposed residents from temperature rises

Planning History

| App Ref | Description | Decision | Date |
|-------------|--------------------------|-----------------------|------|
| 22/1403/CAC | Demolition of a building | Pending consideration | |

Principal Planning Constraints

| | |
|-------------------------------|--------------------------------|
| Conservation Area | NEWTOWN - CENTRE |
| Contaminated Land | Gas manufacture & distribution |
| Contaminated Land | Gas manufacture & distribution |
| Contaminated Land | Factory or works |
| Within 50m of Listed Building | The Bank Antiques |
| Within 50m of Listed Building | Bank Place |
| Within 50m of Listed Building | Rosemount |
| Within 50m of Listed Building | Natural Health Centre |
| LDP Development Boundaries | Newtown/ Y Drenewydd |
| LDP Retail Core Area | Newtown |
| B Floodzone | |
| C1 Floodzone | |

Principal Planning Policies

| Policy | Policy Description | Year | Local Plan |
|---------------|--|-------------|-------------------------------------|
| PPW | Planning Policy Wales (Edition 11, February 2021) | | National Policy |
| NATPLA | Future Wales - The National Plan 2040 | | National Policy |
| TAN2 | Planning and Affordable Housing | | National Policy |
| TAN4 | Retail and Commercial Development | | National Policy |
| TAN5 | Nature Conservation and Planning | | National Policy |
| TAN12 | Design | | National Policy |
| TAN11 | Noise | | National Policy |
| TAN15 | Development and Flood Risk | | National Policy |
| TAN18 | Transport | | National Policy |
| TAN23 | Economic Development | | National Policy |
| TAN24 | The Historic Environment | | National Policy |
| SP1 | Housing Growth | | Local Development Plan 2011-2026 |
| SP2 | Employment Growth | | Local Development Plan 2011-2026 |
| SP3 | Affordable Housing Target | | Local Development Plan 2011-2026 |
| SP4 | Retail Growth | | Local Development Plan 2011-2026 |
| SP5 | Settlement Hierarchy | | Local Development Plan 2011-2026 |
| SP6 | Distribution of Growth | | Local Development |

| | | |
|------|--|----------------------------------|
| | across the Settlement Hierarchy | Plan 2011-2026 |
| SP7 | Safeguarding of Strategic Resources and Assets | Local Development Plan 2011-2026 |
| DM2 | The Natural Environment | 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 |
| DM15 | Waste Within Developments | 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 |
| H3 | Housing Delivery | Local Development Plan 2011-2026 |
| H4 | Housing Density | Local Development Plan 2011-2026 |
| H5 | Affordable Housing Contributions | Local Development Plan 2011-2026 |
| R1 | New Retail Development | Local Development Plan 2011-2026 |
| R3 | Development Within Town | Local Development |

| | | |
|--------|--|----------------------------------|
| | Centre Areas | Plan 2011-2026 |
| SPGRES | Residential Design Guide SPG (2020) | Local Development Plan 2011-2026 |
| SPGHE | Historic Environment SPG (2021) | Local Development Plan 2011-2026 |
| SPGBIO | Biodiversity and Geodiversity SPG (2018) | Local Development Plan 2011-2026 |
| SPGCON | Conservation Areas SPG (2020) | Local Development Plan 2011-2026 |
| SPGNPP | The Newtown & Llanllwchaiarn Place Plan SPG (2021) | Local Development Plan 2011-2026 |
| SPGARC | Archaeology SPG (2021) | 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

Marine and Coastal Access Act 2009

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

This application has been considered 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.

Site location and description

The application site is located on the eastern side of Gas Street in the development

boundary and town centre of Newtown. The site currently consists of a two-storey corrugated iron garage (rendered finish on the ground floor with corrugated metal above), last used as a retail outlet. The building abuts a building currently in use as a solicitor's office and to the northern side is a detached building with ground floor retail premises. The site has a small area of hardstanding to the northern boundary but has no other surrounding associated outdoor space. The gas street public car park is located to the east of the site with the River Severn located beyond the car park.

It is proposed to demolish the existing building and construct a block of flats which would contain a ground floor retail space and 6 flats above, over two storeys and within the roof space. It should be noted that the number of flats has been reduced from 7no. to 6 no. The ground floor would have a larger shop frontage than the present building, retail space and rear storage area, staff room and w/c. Access to the upper floors would be gained via a communal access in the side (northern elevation) and there would be a bin store and plant room in this part of the site. The first floor would contain 2, 1-bedroom flats and a 2-bedroom flat, the second floor would contain 2 no, 2-bedroom flats and the third floor would contain a 1-bedroom flat. The proposed building would have a red brick frontage with yellow brick details, and brick and render side and rear elevations. Windows would have stone cills and the roof would be slated.

Principle

The site is located within the development boundary, town centre and retail core area of Newtown. The site is not located within either a primary or secondary shopping frontage. Given that the development would retain a retail use on the ground floor, it is considered that the development would not undermine the retail hierarchy and as such accords with LDP Policies R1 and R3. Public representations have stated that the provision of a retail unit is not required because there are a number of vacant retail units in the town. These comments are noted, however, the development has been submitted with a ground floor retail element as such is required to be considered with the retail unit.

In terms of the provision of housing, public representations have commented that the development would be a strain on local community facilities and have both supported and objected to the housing need. The site is not allocated for housing development; however it is a brownfield site (previously developed land) in a sustainable location within the settlement boundary of the town of Newtown. The site is considered to be suitable and complies with Criterion i of Part 1 of LDP Policy H1 and the principle of residential development is acceptable, subject to consideration of the other material planning issues.

Housing density

The density for any proposed housing development in towns should be 27+ units per hectare. The application site measures approximately 0.0275ha with a density of approximately 218 units per hectare. Therefore, the development accords with the housing density guide range for towns contained within LDP Policy H4.

Housing types

Public representations have supported the provision of affordable housing. It is proposed to construct 6 no. flats with a mixture of 1 and 2 bedrooms. The Affordable Housing Officer has confirmed that the highest demand in Newtown is for 1 and 2 bedroom properties, albeit this evidence relates to social rented accommodation and the proposed affordable unit would be intermediate housing for sale. However, in consideration of comments and evidence provided by the Affordable Housing Officer along with the general identified needs of the County and the contents of the Newtown Place Plan, it is considered that the development would provide for the delivery of one-bedroom apartments in compliance with LDP Policy H3.

Affordable housing contribution

Within the Severn Valley sub-market area, the required affordable housing contribution is 20%; equating to 1.2 unit. The submission indicates that one affordable dwelling would be provided on site as an intermediate dwelling for sale and the remaining part of a unit (being 0.2 of a unit) would be provided as a financial contribution, which would be calculated in line with the guidance within the Affordable Housing SPG. Given that a financial contribution would be required, any approval would be required to be subject to a section 106 agreement to secure the affordable housing contribution. The agreement would also secure the provision of the on-site affordable dwelling and control its affordability in perpetuity. Conditions removing permitted development rights for the affordable unit and a restriction on floor space are not required because apartments (flats) do not benefit from permitted development rights.

Design

Public representations have both supported and objected to the design and impact upon the appearance and character of the surrounding area.

The town appraisal appendix of the Residential Design SPG states that Newtown town centre is made up of a combination of 2 and 3 storey buildings of mainly Victorian and modern age, set around a simple grid network with back lanes to either side of the town. Gas Street is a relatively narrow street which is connected to Shortbridge Street and Severn Street. The street is lined with properties of two and three storeys on either side, with some properties being set back from the highway and others closer. Generally, Gas Street retains a relationship of buildings and a relatively narrow street. There are also gaps in the layout of the street scene developed as a car park and vehicular accesses and the gardens surrounding the Robert Owen Memorial. The building proposed to be demolished is attached to a rendered two storey building with shop frontage and the Robert Owen Memorial stands within the gardens located to the south-west of the site. Opposite the site to west/north-west is a group of timber-framed listed buildings which are sited on higher level ground and set back from the highway. To the north of the site is a brick two storey building accommodating a retail use and further to

the north the street is lined by brick residential properties and a commercial garage.

The development has been redesigned to seek to overcome concerns raised regarding design and amended plans have been received which altered the initial design including lowering the height of the building; changing the design of the front elevation, changing the principal material to brick, altering the fenestrations; alterations to change the shop window and alterations to adjust the balcony design to the rear. Whilst elements of the design have resulted in a development which is more appropriate to the area than the initial design, concern is still expressed over the height of the development in comparison to the immediately adjacent buildings and the impact of the development upon the street scene. The demolition of the existing building is welcomed as an improvement to the appearance of the area, however, that in itself does not address the issue concerning the appropriateness of the proposed design in its context. In addition, comparative references to other buildings within the conservation area and town centre are noted and appreciated, however each has a different context.

The Town Council has commented that the development should incorporate renewable energy features and include cycle storage and lockers commensurate with the size of the development. The development includes solar panels and cycle racks.

Public representations have commented that more open space is required. LDP Policy DM13 advises that all development proposals should incorporate area(s) for passive, informal recreation appropriate to the scale and type of the proposal. Given the constrained nature of the site where there is very limited external space associated with the existing building and the town centre location, it is considered that the type of proposal is such that it does not require open space provision in this instance.

Historic environment

Newtown Town Council have objected on the basis that the development does not complement or enhance the conservation area. Public representations have both objected to and supported the impact upon historic assets. The application is accompanied by a Historic Impact Assessment which concludes that the principle of the proposal is considered acceptable on the basis of:

- its appropriate form in relation to the existing layout of the locality and nearby heritage assets, preserving those significant elements of those assets and their historic interest;
- the existing pattern of development is respected and the street's current structural character reflected, where the proposed layout has no direct adverse impact on the setting of the historic assets or the wider conservation area;
- the introduction of additional residential units supports the vitality and viability of the local community; and
- the application is therefore generally in accordance with adopted policies and development guidance relating to preserving historic assets and the concept of setting.

The Assessment goes on to also conclude that the existing building does not contribute positively to the character and appearance of the area and it is contended that the design represents a considerable physical and visual improvement over the existing building and would represent a significant aesthetic gain to the area and the setting of the local historic assets. Some limited alteration to the character and appearance of the locality will inevitably be necessary to facilitate the scheme. However, these modest interventions are demonstrably balanced by the scheme as a whole, promoting an optimum viable and sustainable use. This Historic Impact Assessment indicates that there will be some visual impacts on the setting of the historic landscape and listed buildings. However, the effects on the settings and significance of these designated assets would be effectively positive through design and materials, thus creating an acceptable visual association between the proposed and the existing historic residential use.

- Settings of listed buildings

The site is located opposite and within the vicinity of the following listed buildings:

The Bank Antiques (Cadw ID: 8104) – Grade II listed
Bank Place (Cadw ID: 8102) – Grade II listed
Bank Place (Cadw ID: 8103) – Grade II listed
Rosemount (Cadw ID: 8006) – Grade II listed
Natural Health Centre (Cadw ID: 8004) – Grade II listed

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving the listed buildings or their settings.

The Council's Built Heritage Officer has advised that the development would impact the setting of several important listed buildings, including the only remaining timber framed buildings within Newtown. The Built Heritage officer has advised that the development would harm the settings of the listed buildings opposite, Bank Place and Bank Antiques Cadw IDs: 8102, 8103, 8104, as well as The Natural Health Centre; Cadw ID 8004.

Whilst some of the Built Heritage Officer's concerns have been addressed through the submission of amended plans, concern is still expressed, principally regarding the scale and height of the proposed building with the latest response from the Built Heritage Officer summarised below:

- Within its street scene the development would be taller than buildings adjacent to it. The orientation of the roof and width of the building would result in it being taller than other buildings on the street. The height of the floors in comparison to neighbouring development mean it is already taller.
- The design detailing of upper floor windows and floor heights being shorter which

is apparent on buildings over two floors in the locality has not been included in the development. Such detail can make the aesthetics of a building façade less imposing.

- There is an opportunity to make use of a parapet wall on the front elevation (which has the shop window) and to have the main body of the slate roof going in line with the eaves on the left-hand frontage (i.e. the roof being at 90 degrees to its main format now). In this way there would be a flat roof behind the parapet wall, and the slate roof would be set back from the street. This would reduce the visual impact of height here, dormer windows being used for the attic flat. It would also provide balcony space without the need for the existing arrangement of the inserted flat roof dormer to the side. Further to this, the height of the roof from eaves to ridge would likely be reduced. This method is employed on several buildings in Newtown, most notably on High Street.
- The solar panels on the south-east elevation, will be visible when entering Gas Street from Shortbridge Steet and more prominent due to the height of the building over that of neighbouring development.

In the latest and previous responses, the Built Heritage Officer has advised how the design could be altered to reduce the visual impact of the height of the development. Whilst the design has been amended and some of the concerns of the Built Heritage Officer have been addressed, the above concerns are still relevant and have not been addressed to the satisfaction of the Built Heritage Officer. As such, the Officer has advised that the development would harm the setting of the listed buildings opposite, primarily Cadw ID; Bank Place; 8102, 8103, 8104.

- Character and appearance of Newtown Conservation Area

The site is located within the eastern part of the Newtown Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

The Council's Built Heritage Officer has advised that the site is rather a significant one for Newtown as it is visible on entering the town in relation to the Robert Owen Memorial, which is a focal point in the conservation area. It is acknowledged that the buildings in the conservation area are of varying heights, however, with particular reference to the appearance, height, scale, integration and design detailing in its particular context, the Built Heritage Officer has advised that the development would harm the setting of the Newtown Conservation Area.

- Archaeology

Clwyd Powys Archaeological Trust (CPAT) has advised that the building to be demolished is of at least local architectural and historic interest and as such has

recommended the carrying out of a Photographic Survey of the building prior to its demolition to obtain a record of the structure. The site is also within the Medieval Core of Newtown, and CPAT have recommended the imposition of a condition to require an Archaeological Watching Brief during the groundworks to secure preservation by record of any archaeological remains which may be revealed during ground excavations.

If approval was recommended, it is considered that the use of the conditions recommended by CPAT would be appropriate.

- Setting of Ancient Monument

The site is located within 300m of Ancient Monument Newtown Hall Castle Mound (Cade ref: MG160). Cadw have not commented on the application. Given the intervening built form, it is not considered that the development would have an unacceptable adverse impact upon the setting of the ancient monument.

Amenity

Representations have raised concerns over the impact of the development upon the amenities enjoyed by the occupants of neighbouring properties; including noise, privacy, overbearing and loss of light.

There is a group of residential properties in the vicinity of the site, notably the properties located to the north-west of the site at a distance of 15 metres as a minimum across Gas Street. The properties are located at a higher level than Gas Street and the site itself. The front elevations of the properties at The Bank are orientated towards the site but would view the side elevation of the proposed development (the front elevation of the proposed development and the group of dwellings at The Bank would not be directly facing each other). The property known as Sunlea is also located to the north-west of the site, across Gas Street at a distance of approximately 20m. The front elevation of the property is orientated towards the south-east and as such there would be no direct overlooking between the front elevations. However, it is acknowledged that there may be an opportunity for occupiers of the proposed residential units to view the garden associated with the property from the upper floor bedrooms and open plan kitchen/dining room/living rooms. There are no balconies on the front elevation and as such overlooking in this respect is restricted, although there are balconies proposed on the side and rear elevation. The Residential Design SPG advises that windows for principal rooms such as lounge, bedrooms or kitchens should be at least 21m apart in a directly facing situation, and more care should be taken if such rooms are at first floor or above. In addition, if buildings are at different heights, the distances may need to be increased to maintain adequate privacy.

Whilst the public representations are noted, given that the proposed development and existing development would not have directly facing front elevations, that the proposed development would be set at a lower level (although the ridge height would be increased in comparison to the existing building) and taking into account the distance

across Gas Street, it is not considered that the development would unacceptably affect amenities enjoyed by the occupants of neighbouring properties in terms of light, privacy and overbearing.

In respect of noise, public representations have also raised concerns over noise from use of the balconies and additional residents. There are various uses in the vicinity of the site; including retail, commercial and residential. Whilst the comments are noted, the residential element of the development is not considered to be incompatible with the surrounding area and a certain level of noise is expected in town centres in any case. The Council's Environmental Protection department initially queried the use of the ground floor but upon confirmation that the use proposed is retail, Environmental Protection have confirmed that there is no objection to the development. Given the town centre use where retail units exist in proximity to the site, the development is not considered to be incompatible with surrounding land uses in this respect and if approval was recommended, a condition to restrict operating hours may be considered appropriate.

Public representations have also referred to loss of light into neighbouring offices. Given that offices are not residential properties and not habitable rooms, the guidance on light does not apply.

In summary, whilst the building is considered to be out of scale in terms of height to the street scene, given the orientation of the existing and proposed buildings, the separation across the highway along with the ground levels, and the guidance within the Residential Design SPG, it is not considered that the daylight, privacy or outlook upon and from existing properties would be unacceptably affected by the proposed development. In addition, noise from the proposed residential and retail development is not considered to be incompatible with the surrounding uses.

Natural environment

Natural Resources Wales and the Council's Ecologist have reviewed the submitted preliminary ecological assessment and have not objected on ecology matters. Conditions have been recommended in relation to adherence to the mitigation measures for nesting birds set out within the ecological assessment, external lighting and biodiversity enhancement which are all considered appropriate.

The application site is located within 55m of a watercourse (River Severn). Due to the scale of the proposed demolition and construction works, NRW advise that as a precautionary measure, to prevent any potential pollution to the nearby watercourse that the Applicant is referred to the Guidance for Pollution Prevention (GPPs) which could be attached as an informative or as suggested by the Council's Ecologist, or a condition could be attached to require the submission and approval of pollution prevention measures as considered appropriate.

Dark skies

Public representations have referred to an impact on dark skies. Given that the site is located within the development boundary of Newtown, it is not considered that the development would have any further unacceptable adverse effect on the visibility of the night sky. However, as discussed above in relation to ecology a condition could be applied for the submission and approval of an external lighting scheme to control external lighting.

Flood zone

Natural Resources Wales' Flood Risk Map confirms the site is located within Zone C1 of the Development Advice Map (DAM) and the Flood Map for Planning (FMfP) identifies the site as being within the Zone 2, defended zone. Given that the proposed development includes residential development, it proposes highly vulnerable development. A revised Flood Consequences Assessment has been provided which NRW advises shows that the risks and consequences of flooding can be managed to an acceptable level subject to the use of conditions related to floor levels and flood resilience measures. In terms of emergency procedures, The Council's Civil Contingencies Officer has provided advice. Overall, on the basis of the advice received from NRW, subject to the use of the recommended conditions, the development is considered acceptable in flood risk terms.

Highways

The existing use already generates vehicle movements and the proposed development is not considered to be detrimental in terms of vehicle movements. The development would not include off-street parking, but given the town centre location with surrounding on street and public car parking provision, it is considered that the development would be served by adequate parking provision. The Highway Authority do not object to the principle of the development, but have requested section details at 5 metre intervals, where a cantilever was initially shown on the proposed plans to demonstrate that any high sided vehicle would not inadvertently hit the cantilever. The revised plans appear to have addressed these concerns by the removal of the cantilever, although no further responses have been received from the Highway Authority.

Contaminated land

The Council's Contaminated Land Officer has advised that the site adjoins a former gas works which is potential contaminated land. Upon receipt of a phase 1 contaminated land assessment, the Contaminated Land Officer has recommended the imposition of conditions to adequately deal with the potential contaminated land which are considered appropriate.

Foul and surface water drainage

Foul drainage from the development would be connected into the public sewage system

and Hafren Dyfrdwy have not objected subject to the use of a condition to require the submission of details for the disposal of both foul and surface water drainage. Therefore, the proposed method of foul drainage is considered acceptable and consideration of the necessity of the recommended condition would be further carried out if approval was recommended. In terms of surface water drainage, SAB approval would be required.

Fire safety

Public representations have raised concerns over the height of the proposed development because it is stated that local fire crews do not have the equipment for rescue in the event of a fire. Fire risk and safety is dealt with by the Building Regulations and therefore the development would be designed to comply with the current regulations. The availability of equipment for local fire crew is not considered to be a matter which the Planning Authority can consider.

Impact upon tourism

Public representations have objected to the development on the basis that it would negatively impact upon tourism.

The development would be viewed from public vantage points including the Severn Way (riverside walk) and public car parks and the town more generally and visitors would be able to view the development. However it is not considered that the overall tourism attraction of Newtown as a market town with historic buildings and character would be unacceptably affected by the development.

Supporting Digital Communications

If approval was recommended, a condition would be included to require the development to make provision for Gigabit capable broadband infrastructure as required by Policy 13 of Future Wales.

Placemaking and Wellbeing Goals

Planning Policy Wales has been amended following the introduction of Well-being of Future Generations Act. PPW plays a significant contribution to the improvement of well-being in all its aspects as defined by the statutory well-being goals. It embeds the spirit of the Well-being of Future Generations Act, through moving us towards a low carbon, resilient society, of providing secure and well-paid jobs, and of building well-connected environments for everyone in Wales that improves our lives and health and enhances our well-being.

PPW also promotes placemaking and states the following;

Productive and Enterprising places are those which promote our economic, social,

environmental and cultural well-being by providing well-connected employment and economic development in pleasant surroundings. These places are designed and sited to promote healthy lifestyles and tackle climate change by making them easy to walk and cycle to and around, access by public transport, minimising the use of non-renewable resources and using renewable and low carbon energy sources.

Ministers advised in June 2019 that placemaking should form part of all decisions and have considered measures to call in applications where strategic placemaking has not been considered.

Placemaking is a holistic approach to the planning and design of development and spaces, focused on positive outcomes. Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place.

The key principles for ensuring 'Right Development in the Right Place' according to PPW are as follows;

- i. Growing our economy in a sustainable manner – the planning system should enable development which contributed to long term economic well-being, making the best use of existing infrastructure and planning for new supporting infrastructure and services.
- ii. Making the best use of resources - The planning system has a vital role to play in making development resilient to climate change, decarbonising society and developing a circular economy for the benefit of both the built and natural environments and to contribute to the achievement of the well-being goals.
- iii. Facilitating accessible and healthy environments - Our land use choices and the places we create should be accessible for all and support healthy lives. High quality places are barrier-free and inclusive to all members of society. They ensure everyone can live, work, travel and play in a way that supports good physical and mental health.
- iv. Creating and sustaining communities - The planning system must work in an integrated way to maximise its contribution to well-being. It can achieve this by creating well-designed places and cohesive rural and urban communities which can be sustained by ensuring the appropriate balance of uses and density, making places where people want to be and interact with others.
- v. Maximising environmental protection and limiting environmental impact - Natural, historic and cultural assets must be protected, promoted, conserved and enhanced. Negative environmental impacts should be avoided in the wider public interest.

PPW provides guidance on the national sustainable placemaking outcomes and their relationship to PPW themes and Well-being Goals. It is considered that the proposed development is in accordance with both the placemaking and well-being goals on the following grounds:

- The development will provide a suitable type of residential accommodation for an identified need within a sustainable location within a development boundary of a town where there is access to a range of facilities and services.
- The development will provide an identified required type of residential accommodation which will assist in sustaining the community.
- The development is located close to existing transport networks.
- The impact upon communities and local residents is considered acceptable.
- Impact upon the environment is acceptable.

However, the development is not in accordance with the placemaking and well-being goals on the following ground:

- Impact on historic and cultural assets is not acceptable.

Climate Change

PPW states that the planning system has a vital role to play in making development resilient to climate change, decarbonising society and developing a circular economy for the benefit of both the built and natural environments and to contribute to the achievement of the well-being goals. The Environment (Wales) Act 2016 sets a legal target of reducing greenhouse gas emissions in Wales by at least 80% in 2050 with interim targets set for 2020, 2030 and 2040. Welsh Government also have a legal commitment to net zero by 2050 and an ambition to achieve this sooner if possible. There are two parts to the issue of climate change within planning, these being the extent a development contributes towards the generation greenhouse gasses and the extent a development has considered and adopted means to make the operation resilient to the effects of climate change.

Whilst it is accepted that that the proposal is likely to make some contribution to greenhouse gas emissions during construction and use, as do many operations and developments, however, this does not in itself mean that it is unacceptable and does not provide a full picture of the issue. As it currently stands there are no specific planning policy requirements that dictate a certain amount of greenhouse gas generation from a development would be unacceptable and neither does it state that residential development should not be supported for this reason. Rather, by making determinations in line with the development plan, it can be reconciled that the development is acceptable in planning terms.

Other matters

Public representations have stated that the application should not have been validated without the Council's pre application enquiry service being used. Whilst the submission of pre application enquiries are recommended and may have been beneficial in this instance, there is no statutory requirement for the submission of a pre application enquiry the scale and type of development under consideration.

RECOMMENDATION

The principle of the development which includes an affordable housing contribution is supported on this brownfield site within the town centre of Newtown and other material considerations such as contaminated land, flood risk and ecology can be addressed via conditions. In addition, the replacement of the existing building would be supported as an improvement to the area and the economic benefits of providing a new retail unit are recognised. However, it is considered that the design has not been sufficiently amended such that the development would complement or enhance the character of the surrounding area in terms of appearance, scale, height, massing, integration and design detailing and the development would harm the appearance of the Newtown Conservation Area and the settings of the identified listed buildings. Therefore, the recommendation is one of refusal as set out below.

Reasons

1. The development would harm the settings of the listed buildings known as The Bank Antiques (Cadw ID: 8104), Bank Place (Cadw ID: 8102) and Bank Place (Cadw ID: 8103). Therefore, the development would fail to have special regard to the desirability of preserving the listed buildings or their settings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition, the development would be contrary to Policy SP7 of the Powys Local Development Plan (2011-2026), Powys Local Development Plan (2011-2026) Supplementary Planning Guidance Historic Environment Including Historic Environment Record (Adopted July 2021), Technical Advice Note (TAN) 24: The Historic Environment (2017) and Planning Policy Wales (Edition 11, 2021).
2. The development would fail to preserve the appearance of the Newtown Conservation Area under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The development would be contrary to Policies SP7 and DM13 of the Powys Local Development Plan (2011-2026), Powys Local Development Plan (2011-2026) Supplementary Planning Guidance Conservation Areas Adopted January 2020, Technical Advice Note (TAN) 24: The Historic Environment (2017) and Planning Policy Wales (Edition 11, 2021).
3. The development has not been designed to complement or enhance the character of the surrounding area in terms of appearance, integration, scale, height, massing, and design detailing. Therefore, the development is contrary to Policy DM13 of the Powys Local Development Plan (2011-2026), Powys Local Development Plan (2011-2026) Supplementary Planning Guidance Residential Design (Adopted January 2020), Technical Advice Note (TAN) 12: Design (2016) and Planning Policy Wales (Edition 11, 2021).