

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

**Application Number:** 23/0820/FUL      **Grid Ref:** E: 310979  
N: 291595  
**Community Council:** Newtown And Llanllwchaiarn Community      **Valid Date:** 15.06.2023

**Applicant:** Mr N Bryant

**Location:** Former Motorworld Site, Gas Street, Newtown, Powys, SY16 2AD

**Proposal:** Demolition of existing building and erection of a building containing a ground floor retail space with 4 flats above (with associated auxiliary spaces). (resubmission of 22/1033/FUL)

**Application Type:** Full Application

### Report Update

This report forms an update to the previous report circulated to Members as a result of receipt of additional representations and consultee comments.

### Consultee Responses

<b>Consultee</b>	<b>Received</b>
<u>Community Council</u>	4th Jul 2023

The Town Council supports the application provided the condition regarding the contaminated land is adhered to and would like to see confirmation that PV is included

### Representations

A further 1 objection has been received by the LPA at the time of writing this update report, taking the total number of objections to 51. The total number of supporting letters remains as 9.

The additional objection does not raise any matters which have not been previously raised, and addressed within the previous report.

We have also received correspondence querying whether there is a set requirement to include retail space at ground floor.

## **Officer Appraisal**

### Town Council Comments

The previous report includes recommended conditions and reasons, if Committee are minded to approve the application in line with the Officer recommendation. These conditions include ones related to contaminated land.

The plans confirm the presence of Solar PV Panels.

### Queries

It is for the developer to submit a proposal to the planning department, and providing that it doesn't conflict with planning policies, that proposal can be supported. The development has been submitted with a ground floor retail element and as such is required to be considered with the retail unit, which planning policy does not prohibit.

Should the application have been submitted without retail provision, it would have been assessed on that basis.

## **RECOMMENDATION**

The above updates do not affect the recommendation set out within the initial committee report, being one of conditional consent. The conditions are copied below for ease of reference.

### **Conditions**

- 1 The development shall begin not later than five years from the date of this decision.
- 2 The development shall be carried out in accordance with the following approved plans and documents; Application Form, KI 5812 16 Rev C, KI 5812 15 Rev D, KI 5812 13 Rev H, KI 5812 10 Rev F, KI 5812 11 Rev E, KI 5812 30 Rev A, KI 5812 14 Rev H, 'Heritage Impact Assessment' by Winterburn Heritage & Planning dated May 2023, Planning Design and Access Statement, Preliminary Ecological Appraisal by Biome Consulting dated February 2022, Phase 1 Geo-Environmental Report by Sladen Associates dated October 2022, Letter from Sladen Associates to Mr G Jones (McCartneys) dated 20<sup>th</sup> October 2022.
- 3 The development shall be carried out in accordance with the following approved highway plans and documents KI 5812 14 Rev H, KI 5812 15 Rev D and Planning Design & Access Statement.
- 4 Prior to the first beneficial use of the development, the footway widening shown on Drawing Number KI 5812 15 Rev D, shall be fully completed to the written satisfaction of

the Local Planning Authority and shall be retained for its designated use for as long as the development hereby permitted remains in existence.

5 Prior to the first beneficial use of the development, the applicant shall construct seven cycle stands within the application site, and these shall be retained for their designated use for as long as the development hereby permitted remains in existence.

6 No surface water drainage from the site shall be allowed to discharge onto the county highway.

7 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

8 All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

- o 0800-1800 hrs Monday to Friday
- o 0800-1300 hrs Saturday
- o At no time on Sundays and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste from the site must also only take place within the permitted hours detailed above.

9 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'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).

10 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. Details of any soil (or similar material) to be imported to site must be provided in writing to (and agreed with) Environmental Protection via the Local Planning Authority prior to importation. The developer should refer to the WLGA guidance document 'Requirements for the Chemical Testing of Materials for Various End Uses' (2013), which presents the specific details that need to be submitted, dependent upon the quantities to be imported and their proposed use at a development. The document outlines the process for ensuring all required information is submitted in a series of step-by-step actions. 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).

11 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 10 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 guidance – 'Land Contamination: Risk Management (LCRM; 2020)' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012). Current guidance and/or good practice must be referred to if the developer intends to reuse site won materials e.g., the Environment Agency 'Land Contamination Risk Management' (LCRM) guidance and CL:AIRE 'The Definition of Waste: Development Industry Code of Practice'. We recommend that the CL:AIRE Code of Practice (Dow-CoP) is adopted to progress conditions effectively. Failure to produce appropriate documentation may result in condition discharge being refused. 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).

12 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. 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).

13 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).

14 Prior to the commencement of works samples of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details approved.

15 Prior to their installation, details for the proposed windows, doors and shop front shall be submitted to and approved in writing by the Local Planning Authority in a scale not less than 1:20 for elevations and 1:2 for cross sections. The development shall thereafter be undertaken in accordance with the details approved.

16 Notwithstanding the submitted plans, prior to the commencement of development, a proposal to screen the air conditioning units to the rear of the building shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the details approved, during the redevelopment of the site.

17 All finished ground floor levels/thresholds of the building hereby approved shall be at least 150mm above adjacent ground level.

18 The development shall be undertaken in strict accordance with the 'Flood resistant and resilience measures' as outlined on page 23 of the submitted Flood Consequence Assessment (Version 2) by Flume Consulting Engineers dated November 2022.

19 No development shall take place until a Photographic Survey has been secured and implemented, in accordance with a brief issued by the local planning authority and a

written scheme of investigation (WSI) which has been submitted and approved in writing by the local planning authority. The Photographic Survey will be completed by a professional archaeological contractor in accordance with the brief, approved WSI and relevant CIFA Standards and Guidance. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust via [neil.bayliss@cpat.org.uk](mailto:neil.bayliss@cpat.org.uk) Tel: 01938 553670). On approval by the Local Planning Authority, project data must be submitted and approved for inclusion in the Clwyd-Powys Archaeological Trust's Historic Environment Record [CPAT HER]. For any questions regarding this submission process, please contact the HER Team at [her@cpat.org.uk](mailto:her@cpat.org.uk). The full digital archive must also be submitted and approved for inclusion within the National Monuments Record, RCAHMW or the Archaeology Data Service, ADS.

20 The developer shall ensure that a suitably qualified archaeological contractor is present during all the ground reduction for the application 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. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust via [neil.bayliss@cpat.org.uk](mailto:neil.bayliss@cpat.org.uk). On approval by the Local Planning Authority, project data must be submitted and approved for inclusion in the Clwyd-Powys Archaeological Trust's Historic Environment Record [CPAT HER]. For any questions regarding this submission process, please contact the HER Team at [her@cpat.org.uk](mailto:her@cpat.org.uk). The full digital archive must also be submitted and approved for inclusion within the National Monuments Record, RCAHMW or the Archaeology Data Service, ADS.

21 No development shall commence until a detailed Biodiversity Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first beneficial use or occupation of the building hereby permitted and shall be retained thereafter for as long as the development remains in existence.

## **Reasons**

- 1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.
- 3 In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
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LDP Policies T1 and DM13 (Criterion 10), and TAN 18.

6 In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.

7 To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

8 To ensure that the amenity of neighbouring residential occupiers is safeguarded, in compliance with Policy DM13 (Criterion 11) of the Powys LDP.

9 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the Powys Local Development Plan (2018).

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13 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the Powys Local Development Plan (2018).

14 In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building, in accordance with the requirements of Policy DM13 of the adopted Powys Local Development Plan (2011-2026), Planning Policy Wales (Edition 11, 2021), TAN 12 (Design), and TAN 24 (The Historic Environment).

15 In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building, in accordance with the requirements of Policy DM13 of the adopted Powys Local Development Plan (2011-2026), Planning Policy Wales (Edition 11, 2021), TAN 12 (Design), and TAN 24 (The Historic Environment).

16 In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building, in accordance with the requirements of Policy DM13 of the adopted Powys Local Development Plan (2011-2026), Planning Policy Wales (Edition 11, 2021), TAN 12 (Design), and TAN 24 (The Historic Environment).

17 To minimise the risk to the development from flooding in accordance with Policy DM5 of the adopted Powys Local Development Plan (2011-2026), TAN 15 (Development and Flood Risk), and Planning Policy Wales (Edition 11, 2021).

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19 To secure a detailed photographic record of the original building internally and externally prior to conversion.

20 To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.

21 To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.