

The County Council as Highway Authority for the County Unclassified Highway, U4520

Wish the following recommendations/Observations be applied

Recommendations/Observations

The Highway Authority (HA) has reviewed the drawings and detail submitted with the resubmitted application and wish to make the following comments.

Planning History

22/1033/FUL - 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.

The HA offered support to the proposed development; however, it was refused by members of the Planning Committee on the 16th of March 2023 for matters not relating to highway safety.

Highway Network

The proposed development gains access off the U4520 (Gas Street), within the town centre of Newtown. The western side of the carriageway includes short stay on-street parking whilst the eastern side of the carriageway to which the site fronts includes parking restrictions by means of double yellow lines. Such on-street parking restrictions are prevalent throughout the centre of Newtown, and most town centres within Powys.

The site is in close proximity to the short and long stay, pay and display car parks on Gas Street, and around 480m walking distance to the long stay car park on Back Lane.

Proposed Development & Movements

The applicant proposes to demolish the existing building, which is currently a vacant shop (A1 planning use classification) and constructing a replacement building consisting of a shop (A1 planning use classification) with four 2-bed flats above. The development represents a reduction of Gross Internal Floorspace (GFA) of 23.7sqm, over the existing GFA.

The HA consider, as we did previously, that the proposed development shall lead to a reduction of movements, especially of larger movements and that the proposed 'Trade Off' of movements is acceptable.

Access & Parking

We note that historically vehicles have parked along the northern elevation of the existing building, and this area was also used for the storage of recycling/waste receptacles.

During a recent site visit we noted this access is severely substandard in terms of access visibility being less than 5m in both directions, the access is not constructed of any bound material, and drains directly onto the adjacent highway.

CSS Wales Parking Standards 2014 (CSS) and the All-Wales Common Standards Guide 2020, state that the dimensions of a standard car parking bay is 4.8 x 2.6m, except those which are either Blue Badge bays or those adjacent to fixed structures, such as a wall. Parking bays at the site should therefore measure 4.8 x 3m. The HA consider that the current situation only allows for the parking of two vehicles due to the boundary treatments on both sides.

The applicant does not propose to relocate the off-street car parking bays as part of their proposals; therefore, the proposed development would lead to the loss of two car parking spaces. Given the horizontal alignment of the U4520 in this location, and land ownership constraints, the HA considers that insufficient access visibility can be achieved at the access to the car parking area, even if the applicant were to retain these parking bays.

CSS states at Appendix 4 (Page 37) that apartments require one cycle stand per five bedrooms, and two cycle stands per 100sqm for the A1 use. Therefore, four 2-bed apartments would require two cycle stands, and the shop being 64sqm would require two stands, giving a total requirement in accordance with CSS of six cycle stands. However, Drawing Number KI 5812 15 Rev C, that the applicant has proposed a total of seven cycle stands, therefore, the proposed cycle parking provision exceeds that specified under the relevant guidance.

The area to the northern elevation would also provide a level footpath to the apartment access, bin store and plantroom, thus further reducing the availability of retaining off-street parking. The pedestrian access to the apartments would only retain sufficient width for a single parking bay.

Active Travel

The footway to the frontage of the existing building is constrained by narrow width being around 600mm and cannot currently be widened due to the proximity of the existing building to the lateral extent of the highway.

The applicant as part of this application has proposed to widen the footway across the frontage of the site, as shown on Drawing Number KI 5812 15 Rev D.

The HA confirms that the proposed widening of the footway across the frontage of the site is in accordance with the Active Travel Act Guidance 2021, and Manual for Streets.

Summary

The HA was in support of the previous application and are supportive of the current application.

The previous application seeking a greater number of apartments, did not include any provision of off-street parking, and the current application mirrors this. The existing car parking area is served by a severely substandard access with less than 5m visibility in each direction, which the applicant is unable to improve upon.

The applicant has proposed cycle parking in excess of that required under the CSS Wales Parking Standards 2014.

The proposed 'trade off' of vehicle movements represents a lower number of OGV & HGV movements, and the number of car movements is likely to also decrease.

It is proposed that the existing constrained width of footway across the frontage of the site is proposed to be widened in accordance with Manual for Streets and the Active Travel Act Guidance 2021, from around 600mm to 1.5m.

Recommendation

The HA considers the loss of the two existing parking bays served by the severely substandard access, is offset by the reduction in large vehicle movements, overall reduction of vehicle movements, and widening of the footway across the site frontage.

Therefore, on balance, we recommend the following conditions be attached to any consent given.

1. 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 the Design & Access Statement.
2. 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.
3. 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.

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

Hafren Dyfrdwy

4th Jul 2023

With reference to the above planning application the Company's observations regarding sewerage are as follows.

Condition

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.

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

Reason

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.

Suggested Informative

Hafren Dyfrdwy advise that 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 you are advised to contact Hafren Dyfrdwy to discuss your proposals. Hafren Dyfrdwy will seek to assist you 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.

NOTE: we would not permit a surface water discharge into the public combined sewer, and recommend the applicant seeks alternative arrangements – please note, we would insist soakaways and other SUD techniques are investigated before considering a discharge to the public surface water sewer with restricted rates.

IMPORTANT NOTE: This response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water/Hafren Dyfrdwy, such as the provision of water supply or the protection of drinking water quality.

Should you require any further information please contact us on email below.

Environmental Protection

13th Jul 2023

Demolition- and construction-phase noise and dust control

Environmental Protection would recommend that measures are in place to control the emission of noise and dust from the site during the demolition and construction phases of the development. This department would recommend the following conditions:

"Prior to the commencement of demolition work, a noise management plan shall be submitted to, and approved by, the local planning authority. All demolition and construction work shall proceed in accordance with the measures specified in the approved plan."

"Prior to the commencement of demolition work, a dust management plan shall be submitted to, and approved by, the local planning authority. All demolition and construction work shall proceed in accordance with the measures specified in the approved plan."

"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."

The subject site is either on or adjoins a former gas works which is a potential high risk source of 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'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 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.

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)

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 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)

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.

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 5. Verification of the Remediation

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)

PCC-Built Heritage Officer

19th Jul 2023

Designation

Within the Newtown Conservation Area which contains a high number of listed buildings.

Listed buildings immediately nearby and opposite include;

8104 - THE BANK ANTIQUES GAS STREET

8103 - BANK PLACE GAS STREET

8102 - BANK PLACE GAS STREET

8004 - Natural Health Centre

Policy Background

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

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 11th Edition, 2021
Conservation Principles published by Cadw
TAN24

Managing Conservation Areas in Wales – Annexe to TAN24
Setting of Historic Assets in Wales – Annexe to TAN24
Heritage Impact Assessments – Annexe to TAN24
Historic Environment Records

Local Development Plan
Strategic Policy SP7
DM13 Design and Resources Local Development Plan Themes and Objectives;
Theme 4 – Guardianship of natural, built and historic assets
LDP Objective 13 – Landscape and the Historic Environment

Comment

The proposal is to demolish the existing corrugated iron shop and replace with a brick three story building with a shop on the ground floor and flats above.

Pre-app advice has been sought and largely taken.

The site is sensitive when entering the conservation area, it is near the Robert Owen Memorial and several timber frame buildings on The Bank.

An assessment of the character of Newtown is given within *Powys Local Development Plan (2011-2026) Town Character Appraisals to accompany Residential Design Supplementary Planning Guidance*.

The proposal is in line with the above guidance, the building utilises natural slate roofing, high quality brick, and many detailed and decorative elements such as brick banding and arches. An oriel window is not proposed, which is given comment in the town characterisation, but a tripartite sash on the first floor is a good alternative.

The Town Character Appraisal notes that within the town centre the buildings are predominantly two to three stories. The proposed building is three stories, it sits opposite several other two-and-a-half to three story buildings. The site is adjacent to several buildings between one and two stories high, along with the existing building there are 4 gables facing the street. Gables to the street are a common feature of the Newtown Conservation Area.

The roof has several gables and valleys, which break up the general mass. Several chimneys further aid in this endeavour and provide a more interesting roofscape. The internal slopes of the roof mean solar panels are added in such a way as to not be highly visible from the street, and between the two ridges to the rear provision is made for a viewing gallery facing the river.

The height of the building is above that of the buildings either side. *Geraint Jones & Co. Solicitors* is two stories with a gable facing the street, *Simply Baby* is one-and-a-half stories with two gables facing the street. Opposite, the listed properties are predominantly two-and-a-half to three stories. The height to eaves of the proposal is just short of 8 meters. This is the general eaves height further down Gas Street into Severn Street. The eaves height of *The Bank* is around 6 meters and *9 Gas Street* is 6.4 meters. *Geraint Jones* is around 5 meters to eaves.

There are a variety of heights of buildings within the vicinity of the proposal, it is generally taller than its immediate neighbours, but is in line with the height of three storey buildings on Gas Street and within the Newtown centre. Variety of height within a street scene is not unusual within parameters, and in this location would not be out of place.

The rear elevation has a large amount of glass, double doors and air conditioning units. Views of the rear will mostly be from further field across the river, or from pedestrians on the footpath. It was suggested in pre-app that a brick pillar up the middle under the valley would break the larger expanse of glass, and perhaps aid construction.

A number of objections have been submitted with comment on the height of the building and also the architectural style. The proposal is taller than the buildings either side, it is slightly taller than the timber framed buildings opposite and shorter than the listed *Natural Health Centre* (topography also plays a part here). Many buildings on Gas Street and Severn Street are the same or similar height to eaves as the proposal. In relation to the listed buildings, the ridge height of the proposal will be around three meters less than the *Natural Health Centre* and 1.2m higher than the properties *The Bank*. The Newtown Town Centre has many buildings that are three stories, and the site is opposite some. Overall, as the height of building is found within the near vicinity of the proposal it is not considered out of place. There is a rhythm of heights in this area and the proposal is considered to fit in with this.

With regards to the architectural style there has been comments that the proposal is not in keeping with the area, and much in relation to the gables to the street. *Motorworld* itself provides a gable to the street, and alongside this so does *Geraint Jones* and *Simply Baby*. The proposed style of the gables is such that it appears Victorian and it is found in several locations across Newtown, notably in the *Waste Not* shop formerly *William Hill*. Objections note that there is extensive use of dormers in the immediate locality, whilst this is true this does not prerequisite the use of dormers exclusively and a certain degree of variety in the street scene is part of the makeup of a town. Further to this, the benefits of the use of the gables and the double roof is that the mass of roof is reduced alongside discreet provision for solar panels. The chimneys break up lateral views of the roof and blend in well with the roofscape of the town.

Comments have been made in relation to the side elevations and their materials. The side elevation of the building is brick to the ground floor and cement render above. Both materials are in use within the Newtown Conservation Area and their combination is not

unusual, however, the use of brick on the whole of the side elevations would marry in well with the brick terraced row adjacent and would be supported.

Overall the proposal is for a three storey building in a recognised style with high quality details. The proposed red brick is very good indeed, samples of the yellow will be requested to ensure it has the same finish. The use of natural slate, decorative bargeboards, finials, timber sash windows as well as a good doorcase to the flats sets a high bar.

The proposal from the front and side will be inter-visible with several prominent heritage assets, due to the familiarity of style and high quality of the specified materials the proposal will blend in well. After the materials have had time to weather it is unlikely the building encompassing the heritage assets in their vantages will be particularly noticeable and it is hard to consider how a proposal so familiar would detract from the Newtown Conservation Area.

Recommendation

Approval on condition;

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.

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.

Notwithstanding the submitted plans, 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 and implemented in accordance with the details hereby approved.

Natural Resources Wales (Mid Wales) DPAS

27th Jun 2023

We 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 4 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 flood risk concerns.

The 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.

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.

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.

Cadw - SAM

14th Jul 2023

Thank you for your consultation. Ref: 23/0820/FUL

The national policy and Cadw's role in the planning process is set out in Annex A.

Advice

Scheduled Monuments:

MG056 Newtown Old Church

MG160 Newtown Hall Castle Mound

The above scheduled monuments are located inside 500m of the proposed development, but intervening topography, buildings and vegetation block all views between them. Consequently, the proposed development will have no impact on the settings of these scheduled monuments.

Conclusion

Cadw has no comments to make.

Regarding the planning application referred above.

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 advise that a Photographic Survey is completed of the building to obtain a record of the structure prior to its demolition in accordance with the Planning Policy Wales (Feb 2021) and TAN 24 (May 2017) guidance, and an appropriate condition is supplied below.

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:

Photographic Survey

Suggested planning condition to facilitate a Photographic Survey of the building, to allow an adequate analytical record of the building to be made prior to conversion.

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 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. The full digital archive must also be submitted and approved for inclusion within the National Monuments Record, RCAHMW or the Archaeology Data Service, ADS.

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

Archaeological Watching Brief

Suggested planning condition to facilitate an archaeological watching brief:

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.

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. The full digital archive must also be submitted and approved for inclusion within the National Monuments Record, RCAHMW or the Archaeology Data Service, ADS.

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

I have attached a brief for the Photographic Survey, Watching Brief, and guidance on sources of archaeological contractors who may wish to tender for this work. The chosen archaeological contractor will need to submit a WSI (written scheme of investigation) document to neil.bayliss@cpat.org.uk for approval before they can commence works on site. All the attached documents should be forwarded to the applicant/agent so that they are fully aware of the requirements.

Please contact me if you wish to discuss this advice or require more information.

Representations

Following the display of a site notice on 27/06/2023, 59 representations have been received at the time of writing this report. Of these, 50 are objections, and 9 are in support.

The objections raise the following concerns:

- Height of the proposed building, being out-of-keeping with character of the area
- Loss of light (from height)
- Impact upon listed buildings / the conservation area / Robert Owen memorial garden
- Provision of shop space (linked to there being empty premises within the town)
- Provision of accommodation in general (suggestion that housing is not needed)
- Provision of accommodation (which should be replaced by more shops for business)
- Future occupiers of the apartments
- Noise (from the roof terrace)
- Lack of car parking provision
- Additional traffic
- Lack of need for more housing
- Loss of privacy / overlooking
- Design of the building
- Possibility that development may commence, and not finish
- Lack of 'settings' assessment in relation to listed buildings
- Loss of 'views' from existing properties
- Ridge height not being annotated onto the plans
- 'Change of use' element of the application (in regard to had it been applied for)
- Lack of green areas
- Landscape impact
- Some general support for demolition, but consensus that whilst the current proposal is an improvement, it is still not appropriate

The letters in support raise the following:

- Visual improvement over the current building
- Work opportunity for local builders
- Street already features various building heights
- Any noise will be 'no worse' than existing from pubs
- Design of the building
- Provide needed accommodation

Planning History

App Ref	Description	Decision	Date
22/1033/FUL	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	Refused	16th Mar 2023

22/1403/CAC Demolition of a building

Application
Withdrawn

17th Mar 2023

Principal Planning Constraints

Conservation Area
Contaminated Land
Within 50m of Listed Building
LDP Development Boundaries
LDP Retail Core Area
Scheduled Ancient Monument
B Floodzone
C1 Floodzone
Flood Zone 2 – FMfP Rivers
Defended Zone – DAM Rivers

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 Development Plan 2021
TAN4	Retail and Commercial Development		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN11	Noise		National Policy
TAN12	Design		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
SP4	Retail Growth	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
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
H2	Housing Sites	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
R1	New Retail Development	Local Development Plan 2011-2026
R3	Development Within Town Centre Areas	Local Development Plan 2011-2026
SPGNPP	The Newtown & Llanllwchaiarn Place Plan SPG (2021)	Local Development Plan 2011-2026
SPGRES	Residential Design Guide SPG (2020)	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGHE	Historic Environment SPG (2021)	Local Development Plan 2011-2026
SPGCON	Conservation Areas SPG (2020)	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

Background

This application is a resubmission of 22/1033/FUL, which was previously refused by Planning Committee. The current proposed scheme has been altered, and now proposes a building approximately 2.2m less in height. As a result, the number of flats has also been decreased from 6 to 4.

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.

This application seeks consent for the demolition of the existing retail building, being the Former Motorworld building, and the erection of a building comprising of 4 residential flats and a retail area in its place. The proposed building will measure approximately 17 metres in depth from Gas Street, and 13.4 metres in width, with an eaves height of 8 metres, and a ridge height of 10.8 metres. The ground floor will feature retail space, storage space (for the shop), together with a communal bin store and a plant room. The first floor and second floor will each consist of 2x two-bed flats, beneath a roof terrace.

Principle of Development

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, which planning policy does not prohibit.

In terms of the provision of housing, public representations 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, which states the following:

"1. In Towns and Large Villages:

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

The principle of residential development is therefore acceptable, subject to consideration of the other material planning issues.

Housing Density

In accordance with Policy H4 of the Powys LDP, housing proposals within towns should have a density of 27+ dwellings per hectare (approximately 1+ dwelling per 370 square metres). The proposal relates to 4 residential units on a site area of approximately 275 square metres, giving a housing density of approximately 145 houses per hectare. As such, the housing density is compliant with planning policy.

Design, Scale and Appearance

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.

This application is a resubmission of the previously refused application 22/1033/FUL. Following the refusal of the previous proposal, pre-application discussions have been held with the Built Heritage Officer.

The application proposes a new building, which will be finished with red brick, and yellow brick detailing, under a slate roof. The building will have 3 internal floors, together with a roof terrace. The building will feature a large shop front at ground floor level facing towards Gas Street, with windows above, leading up to the roof which features faux chimneys and a double apex front. The side elevation, facing *Simply Baby*, and the rear elevation also feature double apexes within the roof. This side elevation was originally proposed to incorporate render for the upper floors, however, this has been amended to be fully brick by the developers.

The majority of objections received relate to the height of the proposed building, being taller than other buildings on the street, with the view that the height is out of keeping with the character of the area. It is noted however that the existing street features buildings of varying heights, as is typical for many town areas, including Newtown.

The application site is located within Newtown Conservation Area, and is within proximity to a number of listed buildings, and as such, consideration must also be given to built heritage assets whilst considering the design of the building. This has been considered below.

Built Heritage

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

In considering this application, consideration has been given to Technical Advice Note 24: The Historic Environment (2017) and LDP Policy DM13 (Part 3).

The application site is located within Newtown Conservation Area and is within proximity to a number of listed buildings. As such, the Built Heritage Officer has been consulted on the proposed development.

The Built Heritage Officer has noted that there are a variety of heights of buildings within the vicinity of the application site, and that whilst the proposal is generally taller than its immediate neighbours, it is in line with the height of three storey buildings on Gas Street and within the Newtown centre. Further, variety of height within a street scene is not unusual within parameters, and in this location would not be out of place. As such, no concern has been raised in regard to the height of the building.

Whilst objections have been raised in relation to the double apex on the front of the building, the Built Heritage Officer has noted that this design of having street-facing gables is common in Newtown, and indeed Gas Street. It is also noted that this design reduces the overall massing of the building, and allows renewable energy to be installed discreetly, and in a sympathetic way.

In terms of materials, the Built Heritage Officer has noted that the external finishes are in accordance with guidance in relation to Newtown, and that whilst an Oriel window is not proposed, the tripartite sash windows on the first floor are good alternatives. It is also noted that the proposal includes many detailed and decorative elements such as banding and arches which is welcomed.

The Built Heritage Officer has noted that air conditioning units are proposed upon the rear elevation, together with a large area of glazing. Whilst it is noted that a brick pillar in the centre of the glazing would be preferable, to break the massing of glass (and likely aid construction), the Officer has not raised any objections to the proposal being put forward without such. The Officer has however recommended a condition in relation to the submission of a scheme for screening the AC Units, which can be attached to any granting of consent.

Overall, the Built Heritage Officer has noted that comments during pre-application discussions have mostly been incorporated into the design of the proposal, which is welcomed. The final design submitted is compliant with relevant planning policies, and the Officer has therefore raised no objection, subject to the inclusion of recommended conditions.

Highways

Policy DM13 part 10 states that development proposals should meet all highway access requirements (for transport users) and parking standards.

The existing building, whilst currently vacant, does have a lawful commercial use. Powys County Council's Highway Authority has been consulted on the proposed development and have noted that the proposal is considered to offer a decrease in vehicular movements compared to the lawful existing use of the site. Whilst the proposal does not include any provision for off-street car parking, and indeed would result in the loss of two existing spaces, PCC Highways consider that the "trade off" between the existing and proposed uses are acceptable, especially given the severely substandard access to the two existing spaces. They also note that cycle spaces have been provided, the number of which is in excess of current requirements, and that the footway is to be widened. PCC Highways have raised no objection to the development, subject to a number of conditions being attached to any granting of consent.

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.

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 at are 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 roof terrace 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. 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.

Environmental Protection have been consulted on the development, and requested conditions in respect of the demolition, to ensure that noise and dust etc are controlled appropriately during these works. They have also requested a condition in relation to operating hours during the construction phase of the development. It is considered that the former two conditions are appropriate for inclusion on the accompanying Conservation Area Consent application, whilst the later shall be included on this permission.

Natural Environment

Preliminary Ecological Appraisal by Biome Consulting, dated February 2022, has been submitted in support of the application. The Appraisal noted that no evidence of bat presence was encountered and no Potential Roost Features (PRFs) were identified. Taking into account the construction of the building, its location and the results of the PRA

survey the building was assessed to be of negligible potential value for roosting bats. It was also considered highly unlikely that bats were using the attached building, *Geraint Jones Solicitors*. Further, it was considered that the site does not offer suitability for GCNs, and is highly unlikely to have populations of invertebrates or reptiles. No nesting birds were present at the time of the survey, however the Appraisal notes that they could become present.

NRW have been consulted on the application and have commented that the submitted report confirms that no European Protected Species are present at the site, and that the report is satisfactory to inform the planning determination. Therefore, they have no further comment to provide.

In light of the above, it is considered that the application complies with relevant planning policies. An informative will be attached to any consent regarding nesting birds. A condition will also be attached in relation to the provision of biodiversity enhancements.

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.

NRW have been consulted on the proposed development and have noted that the submitted FCA concludes that the risks and consequences could be managed to an acceptable level, subject to compliance with two conditions that NRW have recommended be included on any granting of planning consent.

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.

Contaminated Land

The Council's Contaminated Land Officer has advised that the site adjoins a former gas works which is potential contaminated land. Consideration has therefore been given to Policy DM10 of the Powys LDP, and the Contaminated Land Officer has recommended the imposition of conditions to adequately deal with the potential contaminated land which are considered appropriate, and shall be attached to any granting of consent.

Archaeology

The application site is within 500m of Scheduled Ancient Monuments MG056 Newtown Old Church and MG160 Newtown Hall Castle Mound. Cadw have been consulted on the proposed development and have noted that, given intervening topography, buildings, and vegetation, the development will not be visible from the SAMs, and as a result, will not have any impact upon their settings. Cadw therefore confirmed that they have no

comment to make on the development.

CPAT have also been consulted who have noted that the building proposed to be demolished is of local architectural and historic interest, and have recommended that condition be attached to secure a photographic survey prior to its demolition. The site also lies within the Medieval Core of Newtown, and CPAT have also therefore recommended a condition in respect of an Archaeological Watching Brief on the groundworks for the redevelopment.

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.

Public Representations

Some of the matters raised within the objections are addressed above, however the remainder are addressed below:

- Future occupiers of the apartments
 - Not a material planning consideration
- Possibility that development may commence, and not finish
 - Not a legitimate reason to prevent consent being granted.
- Lack of 'settings' assessment in relation to listed buildings
 - The application has been supported by 'Heritage Impact Assessment' by Winterburn Heritage & Planning, dated May 2023.
- Loss of 'views' from existing properties
 - Not a material planning consideration.
- Ridge height not being annotated onto the plans
 - The plans are scaled to a stated metric scale. There is no requirement to annotate dimensions.
- 'Change of use' element of the application (in regard to had it been applied for)
 - The application seeks consent for the demolition of the existing building, and proposed redevelopment. There is no separate permission required for change of use – it is included by default with the application.
- Lack of green areas

- Newtown has existing public open spaces within walking distance of the application site. Further, given the number of residential units proposed, further provision is not required.

RECOMMENDATION

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

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 20th 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:
 - 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 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. 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. 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. 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.
- 4 In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
- 5 In the interests of highway safety and in accordance with the provisions of Powys 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).

10 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).

11 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).

12 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).

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).

18 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).

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.

Case Officer: Rhian Griffiths, Senior Planning Officer
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