

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 20/0659/FUL

Grid Ref: E: 322826
N: 307337

Community Council: Welshpool Community

Valid Date: 19.08.2020

Applicant: Mr Arwyn Evans - Clwyd Alyn Housing Association

Location: Neuadd Maldwyn, Severn Road, Welshpool, SY21 7AS.

Proposal: Redevelopment of former office building and site to provide an extra care facility, which will include 66 no. self-contained 1 & 2 bedroom apartments with supporting facilities. Alterations to Chalfont, and the demolition of the single storey outbuildings.

Application Type: Full Application

REPORT UPDATE

This report forms an update to the previous report circulated to Members and should be read in conjunction.

Welshpool Town Council

20 January 2021

Good evening,

At the Full Council meeting in December Welshpool Town Council made the following resolution and we would be grateful if this is brought to the attention of the planning committee and applicants in relation to Neuadd Maldwyn.

RESOLVED that Members agreed to add to their comments on their application namely that consideration is by Powys CC that a day care centre type provision is included in the development.

Welsh Ministers Holding Direction

20 January 2021

I am writing to inform you the Welsh Ministers have been asked to call in the application referred to in the heading to this letter for their own determination.

Article 18 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 enables the Welsh Ministers to give Directions restricting the grant of permission by a Local Planning Authority. I am authorised by the Minister for Housing and Local Government to issue such Directions and, in exercise of this authority, I hereby direct your Council, with effect from the date of this letter, not to grant planning permission in respect of:

(a) application no. 20/0659/FUL referred to in the heading to this letter; or
(b) any development of the same kind which is the subject of the application on any site which forms part of or includes the land to which the application relates.

without the prior authorisation of the Welsh Ministers.

I issue this Direction to enable further consideration to be given to whether or not the application should be referred to the Welsh Ministers for their determination.

The Direction prevents your Council only from granting planning permission; it does not prevent it from continuing to process or consult on the application. Neither does it prevent it from refusing planning permission.

Your attention is drawn to Article 31 of the above Order which provides for the Welsh Ministers to vary or cancel this direction in respect of both the land and type of development covered.

We aim to determine call-in requests within 21 days of receipt of the Officer's Report. To ensure we are able to process the requests as quickly as possible we ask you forward a copy of the Report as soon as it is available. I will ensure you are informed of the Welsh Ministers' decision on whether the application is being called in as soon as it is made.

A copy of this letter has been sent to Lovelock Mitchel Architects, agent for the applicant.

RECOMMENDATION

In light of the above it is therefore considered that on balance the proposed development fundamentally complies with relevant local and national planning policies and the proposal would not harm the setting of nearby Listed Buildings or Welshpool Conservation Area. Should Members resolve to approve the application then no decision shall hereby be issued until confirmation has been received by the Welsh Ministers in line with the received correspondence.

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 CAW LMA 01 XX DR A 2123 P8, CAW LMA 01 XX DR A 2130 P8, CAW LMA 01 XX DR A 2121 P8, CAW LMA 01 XX DR A 2122 P8, CAW LMA 01 XX DR A 2131 P8, CAW LMA 03 XX DR A 9034 P9, CAW LMA 01 02 DR A 2102 P10,

CAW LMA 01 01 DR A 2101 P10, CAW LMA 00 XX DR A 2110 P8, CAW LMA 01 RF DR A 2103 P10, CAW LMA 01 XX DR A 2120 P8, CAW LMA 00 XX DR A 1200 P9, CAW LMA 00 XX DR A 1500 P3, CAW LMA 00 XX DR A 1400 P9, CAW LMA 01 00 DR A 2109 P10, CAW LMA 00 XX DR A 1800 P3, CAW LMA XX XX DR A 1810 P3, CAW LMA 00 XX DR A- 1000 P5, CWA LMA 05 XX DR A 1601 P1, Flood Consequence Assessment by The Alan Johnston Partnership LLP dated 20/03/2020 Ref CAW-AJP-ZZ-XX-RP-C-3000.

3 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of vehicles in accordance with the requirements of CSS Wales Parking Standards being not less than 27 vehicle parking spaces, 3 motorcycle spaces and 10 cycle stands together with turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

4 The gradient of any vehicle access/egress shall be constructed so as not to exceed 1 in 15 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access/egress and shall be retained at this gradient for as long as the development remains in existence.

5 Prior to the first occupation of the development the area of the access to be used by vehicles is to be finished in a suitably bound material for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

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

7 No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed access shall be constructed such that the access road does not drain onto the trunk road. Positive drainage systems will need to be in place to capture any surface water runoff from entering the public highway.

8 The development shall be undertaken in strict accordance with the following:

- i) Recommendations for bats (mitigation and enhancements) in Bat Nocturnal Surveys, by Ascerta, Ref: P.1268.19, Rev. A, dated November 2020
- ii) Recommendations for nesting birds and hedgehog (mitigation and enhancements) identified in section 7 of Preliminary Ecological Appraisal, by Ascerta, Ref: P.1268.19 Rev. C, dated November 2020
- iii) Tree Removal Plan and Tree Protection Plan in Appendix 2 of the Arboricultural Impact Assessment, by Ascerta, Ref: P.1268.19, dated March 2020.
- iv) Planting Plan, Drawing no. P.1268.19.05 v) Pollution Prevention Plan, by Ascerta, Ref: P.1268.19, dated November 2020

The measures identified shall be adhered to and implemented in full and maintained thereafter.

9 Prior to commencement of development, including demolition and ground clearance, an Arboricultural Method Statement shall be submitted to the Local Planning Authority and approved in writing. The Statement shall be prepared in accordance with the Arboricultural Impact Assessment, by Ascerta, Ref: P.1268.19, dated March 2020. The approved measures shall be adhered to and implemented in full.

10 Prior to commencement of development, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall be compliant with BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The approved scheme shall be adhered to and be implemented in full.

11 Prior to commencement of development, including demolition and ground clearance, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include as a minimum the following details:

- i) Details of construction management
- ii) Identified roles and responsibilities
- iii) Pollution prevention measures
- iv) Biosecurity risk assessment and method statement
- v) Tree removal and protection measures, and arboricultural method statement
- vi) Protected and priority species mitigation for bats, nesting birds and hedgehog

The approved measures shall be adhered to and implemented in full.

12 The Bin Store as indicated on drawing No: CAW LMA 00 XX DR A 1800 P3 shall be constructed in full accordance with the specifications as detailed upon that drawing prior to its first beneficial use and shall remain as such in perpetuity.

13 Prior to their first use full details of all external materials to be used in the proposed extensions shall be submitted to and approved in writing by the Local Planning Authority. The materials as approved shall thereafter be used as agreed only.

14 The operation of the site must at all times be run in full accordance with the recommendations contained within Table 6.1 of the Noise Impact Assessment by SRL Technical Services Limited dated 9 November 2020.

15 The use of the development site hereby permitted is Class C2 (residential institutions) as defined under the Use Classes Order 1987 (as amended). No other use class is hereby permitted other than that specified as above.

16 Development shall not begin until an appropriate photographic survey,

(equivalent to an Historic England Level 1 Photographic Survey - Understanding Historic Buildings, May 2016) of the existing buildings has been carried out in accordance with details to be submitted to, and approved by, the Local Planning Authority. The Level 1 photographic survey will be completed by an archaeological contractor. The resulting digital photographs should be forwarded on appropriate digital media to the Local Planning Authority and the Development Control Archaeologist (Clwyd-Powys Archaeological Trust, Coed y Dinas, Welshpool, SY21 8RP. Email: mark.walters@cpat.org.uk Tel: 01938 553670/552045). After approval by the Local Planning Authority, a copy of the photographs should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust, Coed y Dinas, Welshpool, SY21 8RP for inclusion in the regional Historic Environment Record and an appropriate archive location.

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 interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 4 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 5 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 6 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 7 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 8 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
- 9 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

10 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

11 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

12 To ensure the amenities of neighbouring residential properties are ensured in accordance with policy DM13 of the Local Development Plan and Planning Policy Wales (2018).

13 To ensure a well-designed proposal in accordance with policy DM13 and SP7 of the Local Development Plan, Technical Advice Note 12 and 24 and Planning Policy Wales (2018).

14 To ensure the amenities of neighbouring residential properties are ensured in accordance with policy DM13 of the Local Development Plan and Planning Policy Wales (2018).

15 To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.

16 To secure a full photographic record of the original buildings prior to alteration, conversion or demolition in accordance with policy SP7 of the Local Development Plan (2018).

Informative Notes

- 1 General Notes Any works undertaken within or forming part of the highway shall meet the requirements of Section 184 of the Highways Act 1980, and shall only be commenced with the specific agreement of the Welsh Government.

The Section 184 agreement is managed by our Trunk Road Agents on our behalf, for North and Mid Wales please apply to the North and Mid Wales Trunk Road Agent.

The Applicant shall commission and pay for a Safety Audit of the scheme, (Stages 1 - 4) in accordance with the Design Manual for Roads and Bridges GG 119. The Applicant shall agree the required measures with the Welsh Government before works commence on site and will be responsible for meeting all costs associated with these works

2 Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- o Intentionally kill, injure or take any bats.
- o Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- o Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk

3 No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Should the public footpath be required to be temporarily closed for development purposes then the applicant should make contact with Countryside Services directly to discuss, prior to any works taking place. Any application for a temporary closure needs to be processed and approved before the footpath can be legally stopped-up for a defined period.

4 It should be noted that in addition to planning approval proposed developments require approval from the Sustainable Drainage System Approval Body (SAB), prior to any construction works commencing on site, where there are new developments of more than 1 house or where the area of the project proposals with drainage implications is likely to exceed 100m² (including access tracks, areas of hard standing etc.). Standard 5 of the SAB seeks to ensure that, wherever possible the identified SUDs scheme makes the best use of the site to maximise benefits for biodiversity (as well as for amenity, water quantity and water quality). Further information on the requirements of SAB can be found at: <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

- 5** 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.

Case Officer: Gemma Bufton, Principal Planning Officer
Tel: 01597 827505 E-mail: gemma.bufton1@powys.gov.uk