

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 21/0186/FUL **Grid Ref:** E: 329470
N: 317006
Community Council: Llandrinio And Arddleen **Valid Date:** 22.03.2021
Community

Applicant: Mr Charanjit Singh

Location: Unity House, Llandrinio, Llanymynech, Powys, SY22 6SG.

Proposal: Change of use and minor extensions to previously approved nursing home to form: 15 no 1 bed apartments, 2 no 2 bed apartments. 3 no studio apartments with associated parking for 27 vehicles together with amenity space

Application Type: Full Application

The reason for Committee determination

The application was called in by the Local Member due to concerns over scale of the development, access and parking arrangements and flood risk concerns.

Consultee Responses

Consultee

Received

Community Council

19th Apr 2021

Llandrinio & Arddleen Community Council have considered the above application at a remote meeting held on the 14th April 2021.

It was agreed to Object to this application:-

a) Contrary to Policy DM5 Development and Flood Risk as this development within a flood plain. Photographs had been sent by residents showing the water in the access land and also the residents of the Nursing Home being evacuated in 2000. (please see attached) Although a bund has been constructed around the property this will not prevent water from rising within this bund and it is important to note that this water can stay for up to 3 weeks and that access to the property would only be possible via a boat as the water on the access road is too deep for a Fire Engine or a tractor. Discussions and consultations are currently taking place with regard to flooding of the River Severn and potential storage areas for

flood water and this site could be affected by these proposals.

b) Contrary to DM6 -Flood Prevention & Land Drainage

The increase in the number of inhabitants would lead to an increased capacity for a sewage system which would not be able to operate during times of flooding. This could mean that other buildings in close proximity such as Llandrinio Church, could be subjected to sewage ingress.

c) Contrary to Policy DM13 Design & Resources

The proposals will create apartments some of which will only have one window - this is totally out of keeping with this rural area of Llandrinio. There is also limited amenity space and not enough car parking space allocated for visitors.

d) Contrary to Policy H3 Housing Delivery

The conversion of Unity House into apartments is not an appropriate size and scale for this location which is on the fringe of Llandrinio. The site is not sustainable in that it is approx. 1 mile from any shops, only has 1 bus going past twice a day into Shrewsbury, nearest Medical facilities are 3 miles away in Four Crosses or 9 miles in Welshpool or Llanfyllin. There is limited local employment.

The Community Council would like to suggest that this property reverts back to a family residence with 2 Annexes.

The Community Council would like to request to speak at the Planning Committee

PCC-Building Control

30th Mar 2021

Building Regulations application required.

Ward Councillor

6th Apr 2021

I would like to ensure that this application comes to committee please.

I have major concerns with this application which include:

The size of this development is completely inappropriate to the location on the edge of the

village.

The access to the site has very poor visibility and also floods.

The proposed parking provision is inadequate for the number of residential units. There is a very limited bus service past this site and it is likely that anybody living there will need a car.

PCC-Built Heritage Officer

2nd Jul 2021

The proposal is for the conversion of an existing building to 20 flats. The building is sited to the SW of the grade II* listed Church of St Trunio.

I note the additional information received in response to my previous comments dated 10 June where I requested additional information in respect of the flood risk measures that is to raise the bund wall and access drive. The bund by 970mm, the wall by 600mm and the access drive by 840mm. I would request that my previous comments are attached as an appendix to these comments.

I duly acknowledge the Heritage Statement by Mercian Heritage Series 1750 dated June 2021 that confirms on page 15 that the raising of the bund would not result in much visual change and none to the significance of the setting of the church.

I note the details in the Flood Risk Assessment in section 4.1.4 however no details of the bund raising, wall raising or road raising have been submitted. Without full details of the proposed works I am unable to agree with the conclusions of the Heritage Impact Assessment as the details of the works have not been provided.

I would emphasize that I am not objecting to the proposal per se, however would seek clarification in respect of the flood measures in order to assess the impact on the flood risk assessment. I note that the bund is of a significant height now, and the increase in height has not been assessed, nor the changes to the road or wall. I would again ask for details of the flood risk measures as opposed to descriptions in order that the impact could be assessed.

In making this comment I am mindful of the advice in Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer

and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

However, I would also refer to more recent guidance in paragraph 6.1.10 of Planning Policy Wales 11th edition 2021 which states, " For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

Section 6.1.9 of PPW 11 advises that " Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place"

Section 6.1.7 of Planning Policy Wales 11th edition requires that " it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way"

PCC-(N) Highways

27th Aug 2021

The Highway Authority (HA) had reviewed the further detail submitted in support of the application and wish to make the following comments.

We understand from the LPA that no material start was made to consent P/2008/0100, therefore, the application has lapsed, and the extant Use reverts back to that of a private dwelling and bed & breakfast.

The HA therefore, maintain their previous objections.

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about the above, and the additional Information which we received on 18/08/2021.

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk and attach conditions regarding protected species to any planning permission granted. Without which we would object to this planning application.

Additional Information

We note the submission of an updated ecological report entitled 'Ecological Impact Assessment' by Churton Ecology dated July 2021. Having reviewed this information, we still have concerns regarding to the proposal.

Previous Responses

Concerns outlined in our previous responses remain, and the requirements and conditions, (as well as the advice regarding foul drainage) as set out in our Pre-app letter dated 5th June 2020, formal response to 21/0186/FUL dated 16th April 2021 and email dated 6th July 2021 still stand. Previous letters and the email are attached for your convenience. Without the requirement and conditions previously stated we would object to this planning application.

Update on Flood Risk/TAN 15

Notwithstanding the above advice, please be aware that TAN 15 and the Development Advice Map (published in 2004) are being replaced. The new TAN 15 and Flood Map for Planning will be available from 28th September 2021 to allow local planning authorities, developers, planning consultees and the public to prepare for when they come into force. The changes will then come into effect on Wednesday 1 December 2021 and from this date onwards, applications will be determined based on the new TAN 15 and Flood Map for Planning. We therefore advise you to consider how this change may affect your determination of this application. Should you require further advice from us once the new TAN 15 has been published, please reconsult us.

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.

If you have any queries on the above, please do not hesitate to contact us.

Cadw - SAM

20th Apr 2021

Thank you for your letter of 6 April 2021 inviting our comments on the information submitted for the above planning application.

Advice

Having carefully considered the information provided with this planning application we have no objections to the proposed development. Our assessment of the application is given below.

The national policy and Cadw's role in planning are set out in Annex A.

Assessment

MG046 Llandrino Bridge

The application area is located some 320m west of scheduled monument MG046 Llandrino Bridge. The monument consists of a road bridge over the River Severn and associated anti-invasion defences. The bridge became the focus for anti-invasion works in the early period of World War II (AD 1940-41). It was equipped with a roadblock at both ends and a pillbox disguised as an agricultural building to the northwest. The defences formed part of Western Command Stop Line No. 1 that followed the course of the River Severn from Tewkesbury via Worcester and Shrewsbury to Llandrino.

When constructed views from the bridge would not have been important with its setting being concerned with its' relationship with the river: however, views are very important in

regard to the World War II defences that were located to protect the bridge and to have wide open views and fire zones. These were predominantly northwest along the B4393 and over the fields to the west. The significant views from the scheduled monument are therefore to the west in an arc from northwest to southwest.

The proposed development will see the existing Unity House converted from a nursing home into residential apartments some small extensions to the existing building will be required and the grounds will be landscaped to include a formal car park. The proposed development will be visible in the identified significant view from the bridge, but will be heavily screened by a building and existing vegetation. As such the visual change from the scheduled monument will be very slight and will not have any effect of the way that it is experienced, understood and appreciated. Consequently the proposed development will have no impact on the setting of scheduled monument MG046.

PCC-Built Heritage Officer

10th Jun 2021

The proposal is for the conversion of an existing building to 20 flats. The building is sited to the SW of the grade II* listed Church of St Trunio.

I am mindful of the advice in Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

However, I would also refer to more recent guidance in paragraph 6.1.10 of Planning Policy Wales 11th edition 2021 which states, " For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

Section 6.1.9 of PPW 11 advises that " Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place"

Section 6.1.7 of Planning Policy Wales 11th edition requires that " it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way"

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

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

Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 that came into effect on 31 May with advice on how to assess the setting of listed buildings. This document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all historic assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

It is noted that section 2.2 of Managing Setting of Historic Assets which came into effect on 31 May advises that applicants for planning permission should provide the local planning with sufficient, but proportionate, information to allow the assessment of the likely impact of proposal for development on a historic asset and its setting. I note the sentence in section 9.1 of the Planning Statement which serves to address the consideration of setting, and would not consider that the impact of the car park has been adequately assessed. .

The document advises that "Setting is the surroundings in which a historic asset is

understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost"

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

The Church of St Trunio is located on the S side of road, , within its large churchyard. A parish church dating from the C12,C14, C15 and altered in 1829. The south elevation which faces the site and has the C12 south door which is the entrance to the Church. An important church historically, originally dedicated to the C7 Breton confessor, St Trunio,

later conflated with SS Peter and Paul (probably due to the coincidence of the 29th June festival day).

<http://cadwpublic-api.azurewebsites.net/reports/listedbuilding/FullReport?lang=en&id=7613>

The church and churchyard are in a rural location with the churchyard surrounded by mature trees, which add to the tranquillity and sense of place of the Church and churchyard. The proposed car park would be in proximity to the churchyard. Unity House is readily visible from the B4390 with the car park facing the B4390. It is noted that there are mature trees on the boundary of the church yard, however it is acknowledged that the car park would be substantially increased.

In addition to the visual assessment of the setting of the listed church, Paragraph 1.26 of TAN24 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact. As such an assessment of the non visual elements that could affect the setting on a Church and Churchyard should have accompanied the application, this would include vehicular movements and car engines.

I note that the flood risk assessment includes photographs of the site and the fact that the site is surrounded by a bund to act in flood defence measures. The bund in itself currently screens the car park from the church. I note that it is proposed in the Flood Risk Assessment to raise the bund wall and access drive. The bund by 970mm, the wall by 600mm and the access drive by 840mm.

This increase in height may potentially aid in the screening of the car park and the reduction in the non visual elements of the proposal, however they could imping on the setting of this grade II* church. As these details were not apparent on the planning portal, I could not agree with the sentence in section 9.1 of the Planning Statement that there will be no harm to the setting of this group of listed buildings as this information is not available on the planning portal for me to consider the impact of the changes.

Without this information I regret that I am not able to support this application. I would therefore request further details in this regard.

Holding objection - further information is required

Policy background:

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

DM2 - The Natural Environment

DM4 - Landscape

DM7 - Dark Skies and External Lighting

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

Legislative background:

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

Comments:

Previous comments provided 18/05/2021.

The application is informed by the following additional information:

Thorne, RG. & Thorn, K. (July 2021) Ecological Impact Assessment at Unity House.
Churton Ecology

Survey effort and methods employed in accordance with current national guidelines?

Yes

The updated ecology report provides result of bat activity surveys focussed on the northern wing of the building where evidence of bat use and potential access points was identified. The results confirm the presence of a soprano pipistrelle maternity roost; three access points were confirmed. The roost is considered to be of significant local importance and a European Protected Species licence will be required for the development.

Required mitigation includes retention of roost access points following cosmetic works to the northern wing and installation of a small awning immediately above the existing window located below the main roost access points closest to prevent light disturbance. (The window is shown located closest to the gable end on Elevation 5 of the Proposed Elevations Sheet 2 of 2.) Insulated and non-insulated bat boxes and inter-rafter squeeze boxes will be installed in the north loft space as enhancement of the roost, which is welcome.

To ensure that the mitigation and enhancement measures will be installed appropriately during construction, the measures should be identified clearly on revised elevation plans.

Careful consideration will need to be given to any external lighting of the proposed development. Measures will need to be identified to minimise impacts to roosting bats and other nocturnal wildlife commuting or foraging around trees and hedgerows. Any external lighting proposed will need to demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). Full details can be found at <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

It is, therefore, recommended that submission of a wildlife sensitive lighting scheme is secured through an appropriately worded planning condition.

A mature oak with potential bat roost features and a semi-mature aspen will be retained within the development, which is welcome. Previous comment has identified the need for submission of a Tree Protection Plan to avoid impact to the trees during construction. However, the proposal will result in some loss of habitat for nesting birds which will be mitigated for through additional landscape planting and undertaking works at an appropriate time of year. It is, therefore, appropriate for consideration to be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme to include proposed species mixes, planting and aftercare schedules.

It is recommended that submission of a Landscaping Plan is secured through an appropriately worded planning condition.

Precautionary measures were recommended during site clearance works to avoid harm to hedgehog (priority species) which is considered likely to be present on site. It was recommended that additional habitat piles or hedgehog houses be placed on site to mitigate for the lost habitat.

It is recommended that adherence to the identified mitigation measures for bats, nesting birds and hedgehogs is secured through a suitably worded planning condition.

Montbretia, a non-native invasive plant (a garden escape) was identified from various locations across the site. An eradication plan will be required prior to commencement of any ground works to avoid further spread.

It is recommended that submission of a Biosecurity Risk Assessment is secured through an appropriately worded planning condition.

Biodiversity enhancement:

In addition to enhancements to the bat roost, and proposed landscaping including a native species hedgerow nesting boxes for house sparrow on the building are also recommended within the ecology report. All of the measures are welcome and considered appropriate to the scale, location and nature of the development.

Further information required prior to determination:

- i. Revised elevation plans identifying the required bat roost mitigation and enhancement measures

20th Apr 2021

PCC-(N) Highways

The Highway Authority are unable to support the above-named application for the following

reasons.

The Highway Authority have reviewed the submitted details and drawings in relation to the proposed access visibility splays, forward visibility splays. We note that the access details shown on Drawing Number 148-17-05 Rev A are not within the redline application site and not in the applicant's control. We further note that Notice has not been served on the relevant landowner[s].

The submitted Highway Assessment (SHA) reports movement detail in relation to the previous Use of a Care Home, however, we note from the Planning Statement that a material start was made to application number M2001-01019 and therefore the fallback position is a private dwelling, Bed & Breakfast and holiday accommodation.

No daily movement detail in relation to the fallback position has been submitted for consideration.

Section 5.8 of the SHA states "The determination of visibility splays is based on the actual speed of vehicles along the road and not the speed limit." Section 5.10 states "Since an ATC has not been installed along the B4393, an assessment of the vehicle speed was made by driving along the road, and it is considered that the 85th percentile speeds would be in the region of 47mph."

The method of vehicle speed measurement is not in accordance with CA185 - The Design Manual for Roads and Bridges. Further no evidence has been submitted which evidence that the survey was undertaken during wet weather, which would allow the adjustment made.

Therefore, the HA do not consider Sections 5.8 - 5.12 and Appendix 5 of the SHA to be relevant nor accurate enough.

Should the applicant wish to submit revised drawings which address the above points, we shall certainly review any such submission.

Hafren Dyfrdwy

6th Apr 2021

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

I have reviewed the proposed plans, aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 28 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed development include pipistrelle bat, badger, house sparrow and starling.

No statutory or non-statutory designated sites were identified within 500m of the proposed development.

The proposed development is located on the site of a an existing building which was granted planning permission in 2008 for change of use and extension from bed and breakfast to nursing home use, it is understood that whilst the 2008 planning approval was implemented the nursing home use is no longer considered viable and an alternative use is now proposed. The development impacts the existing structure and is also likely to impact areas of unmanaged amenity planting and hard standing, habitats considered to be of relatively low ecological value.

Bats - European Protected Species

The proposed development requires alterations to an existing building, consideration therefore has been given to the potential for the building to support roosting bats - bats being a European protected species - and for the proposed development to impact roosting bats.

I have reviewed the Ecological Impact Assessment Report produced by Churton Ecology dated December 2020. The ecological report confirms that the existing building supports a pipistrelle maternity roost in addition to a second roost that includes myotis bats. Two options have been given as to how works could be undertaken at the site.

The first relies on the only roosting, entry and exit points being positively identified without any emergence/re-entry surveys. Given that a number of roosts have been identified within the building it is likely that bats will utilise other areas of the building. Therefore without undertaking emergence/re-entry surveys it is not possible to categorically state whether the proposed works will or will not have an impact on the bats roosting on site - particularly with regards to damage/obstruction of bat roost features. The second option indicates that further surveys are required.

Therefore it is considered that currently the application includes insufficient information to

enable the LPA to assess the impact of the proposed development to biodiversity- biodiversity is a material consideration in planning process and sufficient information to enable assessment of impacts to these features and demonstrate appropriate long term mitigation provisions is required prior to determination of the application to demonstrate that the development would not result in negative impacts to the favourable conservation status of the species present in their natural range and to ensure the development is not contrary to local and National Planning Policy.

Further information is therefore required to be submitted in the form of:

- o A minimum of three bat activity survey
- o Surveys should be undertaken during the maternity period; May - September
- o Surveys will need to be undertaken by a sufficient number of surveyors to ensure full coverage of the building affected by the proposed development
- o Surveys must be undertaken in appropriate weather conditions as defined by the guidelines
- o Survey start and end times will need to follow the guidance provided in the BCT survey guidelines

Tree Protection Plan

I note from reviewing the proposed plans and aerial images that there are a number of mature trees surrounding the existing building. It is considered that there may be potential for construction works including use of machinery or storage of materials to take place within the root protection area (RPA) and canopy of the mature hedgerows and trees identified.

Given the proximity of the proposed development and associated works to the identified trees, it is considered prudent to require information from the applicant as to how this feature of biodiversity importance for wildlife will be protected during the construction period of works.

A Construction Phase Tree Protection Plan could be secured through a planning condition, however as further information has been requested the provisions of details submitted at this stage would avoid the need for a pre-commencement condition requiring this information.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to

nocturnal wildlife commuting and foraging in the local area. This information could be secured through a planning condition, however the submission of a Wildlife Sensitive Lighting Plan with a planning application would avoid the need for a pre-commencement condition requiring this information. Any external lighting proposed will need to demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018) full details can be found at <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>.

Biodiversity Enhancements

Section 5.2 of the Ecological Impact Assessment Report includes recommendations regarding provision of biodiversity enhancements through the proposed development including provision of new native hedgerow planting and provision of bat and bird boxes. Whilst these suggested enhancements are welcomed and would provide additional benefits to biodiversity in accordance with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016 and Local and National Planning Policy, the level of detail provided within the Ecological Impact Assessment Report and lack of reference to these proposals on the submitted plans is considered to be insufficient to enable these proposals to be enforceable without submission of further details, the need for identification of biodiversity enhancements has been clarified in the letter from Welsh Government to Wales LPA Heads of Planning dated 23rd October 2019 which states that 'where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission'. Submission of a detailed Biodiversity Enhancement Plan including types, numbers, locations, species mixes, planting schedule and aftercare measures etc. could be secured through a planning condition however as further information is required to be submitted, the applicant may wish to provide this information prior to determination to avoid the need for pre-commencement planning condition.

Further details regarding biodiversity and requirements associated with planning applications can be found in the Powys Local Development Plan (2011 to 2026) Supplementary Planning Guidance Biodiversity and Geodiversity (Adopted October 2018) which can be found at <https://en.powys.gov.uk/article/4907/LDP-Supplementary-Planning-Guidance-SPG>

Environmental Protection

16th Apr 2021

The following information has been submitted in support of planning application 21/0186/FUL:

- o Application for Planning Permission (ref: PP-09484001) 03/02/2021.
- o Sumner Consultancy Ltd 'Flood Risk Assessment Issue 3: Unity House, Llandrinio' (ref: 148-16) 25-11-20.

Based on the submitted information, referenced above, the following advice is provided on behalf of Environmental Protection.

1. Section 13 'Foul Sewage' of the 'Application for Planning Permission' (ref: PP-09484001) confirms that foul sewage will be disposed of to an existing package treatment plant, and identifies that the details of the existing system can be seen in the FRA (Flood Risk Assessment).

Under section 7 'Foul Water Drainage' of the 'Flood Risk Assessment' (ref: 148-16) it is stated: "[...] foul water drainage from the building drains to a treatment plant, however there is no information available as to the location of the soakaway or drainage field [...] It is however recommended that the size and capacity of the treatment plant is checked to ensure it can accommodate the number of residential units based on the current design standards [...] It is also recommended that the location and size of the soakaway or drainage field from the treatment plant is checked to establish if it has sufficient capacity to accommodate the discharge from the treatment plant and that it is working correctly."

As advised previously, in respect of pre-application enquiry 20/0116/PRE, full details and information relating to the capacity and condition of the existing package treatment plant and drainage field will be required - and must be submitted in support of planning application 21/0186/FUL. An example of the information that would be appropriate, to confirm the condition and capacity of the existing package treatment plant and drainage field, is an inspection report produced by an appropriately experienced foul drainage contractor.

The above information will be required, by Environmental Protection, to demonstrate that the existing system is sufficient for the future intended loading and will not cause pollution, a health hazard or a nuisance.

The design of any foul drainage system must comply with Approved Document H 2010 (Wales), Section H2 of the Building Regulations.

Natural Resources Wales (Mid Wales)
DPAS

15th Apr 2021

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the

above, which we received on 30/03/2021.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirement is met and you attach the following conditions to the permission. Otherwise, we would object to this planning application.

Requirement: Amended Flood Consequences Assessment (FCA) to be submitted which demonstrates that the risks and consequences of flooding can be acceptably managed for the lifetime of the development.

Condition 1: submission and approval of a Bat Conservation Plan

Condition 2: submission and approval of Biosecurity Risk Assessment

Condition 3: submission and implementation of an approved ecological compliance audit (ECA) scheme

We received a statutory pre application consultation notice for this proposal under Article 2D of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2012. We provided a substantive response to that consultation on 05/06/2020.

A copy of our response to the statutory pre-application consultation is attached for your information. Flood Risk

The planning application proposes Highly Vulnerable Development (HVD), residential apartments. The proposal site lies entirely within Zone C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Severn, a main river.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development in Zone C2.

Notwithstanding this policy position, we understand that the site benefits from extant planning permission for a nursing home and although it was never occupied as a nursing home, the principle of HVD has therefore been established at this site. For this reason, we have reviewed the Flood Risk Assessment Issue 3 by Sumner Consultancy, Ref 148-16 (no date) to provide technical advice on the acceptability of flooding consequences, in

accordance with Appendix 1 of TAN15.

We leave it to your Authority to determine whether or not the proposal is acceptable on policy grounds. We would, however, be grateful if you could inform us of your position regarding this and any pre-application advice given in relation to this proposal.

Our advice is that the Assessment fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in line with TAN15.

We note that the Assessment document has been updated since we reviewed it at statutory pre-application stage. However, the updated version does not take into account any of our comments made at statutory pre-application stage. Therefore, our flood risk advice remains unaltered from that provided in our statutory pre-application response dated 05/06/2020.

European Protected Species

We have reviewed:

- o Ecological Impact Assessment at Unity House, Llandrinio, Llanymynech, Powys, SY22 6SG by Churton Ecology dated December 2020

Legislation and Policy

Regulations 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) requires public bodies in exercise of their functions, to have regard to the provisions of the 1992 'Habitats' Directive (92/43/EEC) and the 2009 'Birds' Directive (2009/147/EC) so far that they might be affected by those functions.

Where a European Protected Species is present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if: The development works to be authorised are for the purpose:

(a) of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;

(b) There is no satisfactory alternative; and

(c) The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

These requirements are translated into planning policy through Planning Policy Wales (PPW) February 2021, section 6.4, and Technical Advice Note (TAN) 5, Nature

Conservation and Planning (September 2009). The planning authority should take them into account when considering development proposals where a European Protected Species is present.

Bats - Condition 1

The above assessment confirms the application site supports pipistrelle bats. The proposal has the potential to cause disturbance to bats and/or loss or damage to their resting places.

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and they are a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

Paragraph 6.3.7 of TAN5 states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In this case, the bat report concludes that the proposal is likely to impact adversely on the bats present at this site and, therefore, implementation of the proposal will be subject a European protected species derogation licence.

We note that the ecological submission advises two possible options to safeguard bats. We understand that Option B is likely to harm or disturb the bats or their breeding sites and resting places at this site. We therefore advise that it is carried out under licence.

Therefore, provided the following planning conditions and informative are secured to any planning permission granted, we consider that the proposed development is not likely to be detrimental to the maintenance of the favourable conservation status of the local populations of bat present at this site.

Condition

No development shall commence until a Bat Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to :

- o Building upon the principles outlined in the ecological report (Ecological Impact Assessment at Unity House, Llandrinio, Llanymynech, Powys, SY22 6SG by Churton Ecology dated December 2020).

- o Submission of details concerning bat mitigation and compensation measures including plans. (This to include confirmation of the option to safeguard bats in Section 5.1.2 of the ecology report).

- o Details of timing, phasing and duration of construction activities and conservation measures.
- o A timetable for implementation demonstrating that works are aligned with the proposed phasing of the development.
- o Actions to be taken in event previously unidentified species of bat are found.
- o Persons responsible for implementing the works.
- o An ecological compliance audit.
- o Post construction monitoring and record dissemination for a period of not less than 5 years.
- o Submission of details outlining any external lighting schemes together with plans. Plans shall illustrate current and/or proposed bat emergence points together with features that currently or are planned to be functionally used by bats for dispersal purposes. We advise that details of the submission references the Institution of Lighting Professionals and Bat Conservation Trust: Guidance Note 08/18: Bats and Artificial Lighting in the UK.

The Conservation Plan shall be carried out in accordance with the approved details.

(Note: We have no objection to the conservation plan including other species considered necessary by the LPA)

Justification: To ensure that an approved species Conservation Plan is implemented, which protects species affected by the development.

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect the bats on this site, a revised bat report that takes account of such changes would be required.

Informative

in line with the 'Dear CPO' letter issued by Welsh Government on 1st March 2018, we request that the following informative is attached to any planning permission granted by your Authority:

Warning: An European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison

for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/information-on-european-protected-species-licensing/?lang=en>.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorizing the specified activity/development to go ahead.

Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

We advise recipients of planning consent who are unsure about the need for a licence to submit a licence application to us.

Biosecurity - Condition 2

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases.

We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include :

- (i) appropriate measures to control any INNS on site; and
- (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme

Condition

No development, including site clearance, with the potential to impact on invasive species, shall commence until a site-wide Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to control the spread and effective management of any invasive non-

native species at the site.

Ecological Compliance Audit - Condition 3 We advise that any planning permission granted includes the imposition of a condition that requires the submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA. The purpose of the Ecological Compliance Audit is to evidence compliant implementation of all ecological avoidance, mitigation and compensation works, either proposed or subject to the provisions of reserved matters conditions. The Audit shall identify Key Performance Indicators (KPI's) that are to be used for the purposes of assessing and evidencing compliant implementation of proposals.

Great Crested Newts

We are satisfied with the submitted assessment and its conclusions regarding Great Crested Newts and have no further comments in this regard.

Foul Drainage

We refer you to our statutory pre-application response dated 05/06/2020.

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.

Community Council

26th Jul 2021

We note that additional information has been submitted onto the Planning Portal.

We must take issue with Point 3.6 with regard to the D74 Bus - this is very misleading as there are only 2 buses a day and with the first passing through at 9.50 a.m it would not be suitable for anyone wishing to get to work and the latest bus home leaves Shrewsbury at 13.55

Please add this to the Community Council's comments

9/9/2021

Llandrinio & Arddleen Community Council have considered the additional information submitted and wish to continue to Object to this application:-

a) Contrary to Policy DM5 Development and Flood Risk as this development within a flood plain. Photographs had been sent by residents showing the water in the access lane and also the residents of the Nursing Home being evacuated in 2000. (as previously submitted) Although a bund has been constructed around the property this will not prevent water from rising within this bund and it is important to note that this water can stay for up to 3 weeks and that access to the property would only be possible via a boat as the water on the access road is too deep for a Fire Engine or a tractor. Discussions and consultations are currently taking place with regard to flooding of the River Severn and potential storage areas for flood water and this site could be affected by these proposals.

b) Contrary to DM6 -Flood Prevention & Land Drainage

The increase in the number of inhabitants would lead to an increased capacity for a sewage system which would not be able to operate during times of flooding. This could mean that other buildings in close proximity such as Llandrinio Church, could be subjected to sewage ingress.

c) Contrary to Policy DM13 Design & Resources

The proposals will create apartments some of which will only have one window - this is totally out of keeping with this rural area of Llandrinio. There is also limited amenity space and not enough car parking space allocated for visitors.

d) Contrary to Policy H3 Housing Delivery

With regard to the Design & Access statement submitted the Community Council does not agree that housing numbers need 'bolstering'. A development of 49 houses is now 50% complete on the outskirts of the village and plans have recently been submitted by Powys County Council to create 24 affordable homes and 24 open market dwellings in the centre of the Village.

The conversion of Unity House into apartments is not an appropriate size and scale for this location which is on the fringe of Llandrinio. The site is not sustainable in that it is approx. 1 mile from any shops, only has 1 bus going past twice a day into Shrewsbury, nearest Medical facilities are 3 miles away in Four Crosses or 9 miles in Welshpool or Llanfyllin. There is limited local employment.

The Community Council would like to suggest that this property reverts back to a family residence with 2 Annexes.

The Community Council would like to request to speak at the Planning Committee

PCC-(N) Highways

29th Jun 2021

The Highway Authority are unable to support the above-named application for the following reasons.

Whilst the Highway Authority (HA) acknowledge that the application site benefitted from consent in 2008 for Change of Use from a Bed and Breakfast to a Nursing Home (M/2008/0100), the consent was never implemented. Therefore, the extant Use is that approved under M2001/1019.

The HA objected to both previous applications due to the increase of movements through the junction which is substandard in terms of visibility to the southeast and forward visibility (rear) to the northwest. Whilst the applicant[s] for both applications proposed improvements these could not be conditioned as they required third party land of which the applicant[s] had no control and Notice was not served.

The applicant acknowledges that the 85th percentile speed in the submitted highway assessment (SHA) does not comply with CA185 (Vehicle Speed Measurement), yet their proposed visibility splays are based on the unreliable calculations. The B4393 in the area of the access is subject to a 50mph speed limit, and as such the design speed of the access visibility & forward visibility splays should be 160m.

The proposed Y distance of 104m is based on the principle of 'Absolute Minimum' SSD (CD109), subject to the submission of actual traffic speeds, the HA are not averse to using this principle in accordance with the guidance. The applicant should note that they would be required to submit actual traffic count data which has been collected in accordance with CA185 in order for the HA to consider the data valid.

Notwithstanding this, the available forward visibility to right turning traffic is 80m and visibility to the southeast is 83m which are significantly less than the applicants proposed

104m.

M/2001/1019 granted consent for the ground floor of Unity House to be used as a combination of five bed & breakfast rooms and five 1No. bed self-contained holiday lets. At full occupancy, the development would generate 2 - 4 movements per day from each of the letting rooms, and bed and breakfast rooms. Therefore, generating a total of 40 movements.

The first and second floors of Unity House were to remain as a private residence, and the HA considers that the domestic element of the premise would generate 6 - 8 daily movements.

Therefore, the total number of daily movements generated by M/2001/1019 is 48.

The proposed development for a mixture of 1 & 2 bed apartments and studio flats, is considered to generate 6 - 8 movements per day for the apartments and 4 - 6 per day for the studio flats, giving a total figure of 154 daily movements.

To increase the visibility and forward visibility (rear), third party land is required, therefore, the applicant may wish to consider the size/number of the proposed units to bring the number of additional movements more closely aligned with the extant planning use.

We note that the proposed waste/recycling collection point is located within the application site and have previously advised that the PCC waste/recycling vehicles do not enter private premise such as this for the removal of waste and recycling. Therefore, a waste/recycling collection point should be located in close proximity to the junction with the B4393.

Should the applicant wish to submit actual traffic count data which has been collated in accordance with CA185, any revised layout, and a revised waste/recycling collection point, we shall certainly review any such submission.

Natural Resources Wales (Mid Wales)
DPAS

6th Jul 2021

Thank you for consulting us on the addition information. We note the submission of an updated FCA, however, this is in relation to foul drainage requirements only, and does not address our concerns as outlined in our previous responses pre-app letter dated 5th June 2020 and formal response to 21/0186/FUL dated 16th April 2021 (which are attached for your convenience). Therefore, our previous response stands and we advise further information is submitted prior to determination.

If you have any queries please do not hesitate to contact me.

Community Council

23rd Feb 2022

Llandrinio & Arddleen Community Council have considered the revised access statement submitted at a meeting held on the 17th February 2022.

The Community Council feels that the comparison of trip rates with the block of flats, all of which are outside a major town, cannot be compared to that which will be generated at Unity House.

Edge of town developments will have much better pedestrian links to shopping centres, better provision of bus services and more cycle lanes.

The Community Council wishes to maintain its OBJECTION

PCC-(N) Highways

25th Feb 2022

The Highway Authority (HA) has reviewed the most recently revised drawings/detail submitted in support of the application and have been in discussion with the LPA and the applicant's appointed agents.

The applicant has submitted evidence to the LPA which demonstrates that a material start was under P/2008/0100, which includes confirmation from Building Control that they

undertook inspections of the works at the time.

In view of the evidence in relation to P/2008/0100 having been implemented, the HA are satisfied that a trade-off of movements exists.

The number of vehicle movements associated with the proposed residential conversion are considered to be less than the extant use as a Nursing Home. The applicant has submitted TRICS data analysis which further demonstrates this.

Whilst we previously raised issue with the access visibility and forward visibility onto the B4393, it is well established that in instances where the proposed use would generate equal/lower vehicle movements to the extant use, and that those movements are by the similar vehicle types that improvements cannot be sought. Therefore, the HA withdraw their earlier objections in relation to the access onto the B4393, as the proposed use equates to a reduction of vehicle movements through the access.

We advise the applicant that our Refuse and Recycling collection vehicles do not enter private land, therefore, it is unlikely that Powys County Council shall remove waste from the bin store shown on the Site Plan. We recommend the applicant contact Waste Awareness to discuss collection arrangements for the site. It would not be acceptable for residents to leave their 20 wheeled bins and 80 recycling receptacles on the footway.

The HA recommend that the following condition be attached to any consent given.

1. Prior to the occupation of each of the apartments hereby approved, provision shall be made within the site plot for the parking and turning of vehicles as detailed on the approved site plan 18.008 1.02 Rev B. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

Representations

17 public representations have been received against the proposed development. The concerns can be summarised as follows:

- No need for apartments
- Increase in traffic/access problems
- Increase in sewerage
- Flooding Issue
- Emergency Service Access
- Noise

- Location of recycling boxes/dustbins
- Something needs to be done to the site as it is an eyesore
- Not enough car parking space within the site
- Safeguarding for nearby Outdoor Education Centre
- Trees could be disturbed
- Increase traffic on single track lane
- Broadband Performance
- Inadequate Public Transport Provisions

Planning History

P/2008/0100 - Change of use and extensions from bed and breakfast to nursing home. Consented May 2008.

M2001/1019 - Change of use from residential nursing home to private house with self-catering holiday apartments and bed and breakfast accommodation. Consented January 2002.

Principal Planning Constraints

Flood Zone
Listed Building
Scheduled Monument

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
NATPLA	Future Wales - The National Plan 2040		National Development Plan 2021
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN 15	Development and Flood Risk		National Policy
TAN18	Transport		National Policy

TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
SP5	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
DM13	Design and Resources	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
H4	Housing Density	Local Development Plan 2011-2026
H5	Affordable Housing Contributions	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SPGRES	Residential Design SPG	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

Site Location and Description

Unity House is located within the Community Council area for Llandrinio and Arddleen and is located within the settlement development boundary for the Large Village of Llandrinio.

The application site is located to the south of the B4393 County Highway to which access to the application site is gained from.

To the east and west of the application site are neighbouring residential properties, whilst to the north is St Trunio Church Grade II* listed and to the south is agricultural land.

Consent is sought for the change of use of an existing building to form 20 residential apartments/studios together with associated car parking area and a slight extension and alteration to the existing building.

Planning Background

It is acknowledged that Unity House is currently unoccupied and the property itself has historically had several planning applications and permissions.

The most recent is planning application P/2008/0100 which was granted consent in May 2008 for the change of use of the building from bed and breakfast to a 44 -bed nursing home and erection of extensions.

Whilst it is noted that the use of the building was never implemented, evidence has

been provided which confirms that the works for the extension of the building were commenced within the 5-year period which means that planning application P/2008/0100 is extant and the use as a nursing home can therefore be implemented at any time without further planning permission being required.

This therefore represents a lawful fall-back position in respect to the current application and further consideration will be given to this later in the report.

Principle of Development

Under the Powys Local Development Plan (LDP) (2018), Unity House is located within the settlement development limits for Llandrinio which for the purposes of the LDP is classified as a 'Large Village'. Policy H1 of the LDP seeks to ensure that housing development is appropriately located and suitable in scale and type in accordance with strategic policies. Housing developments will only be permitted in 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.

As identified above, the application site is located within the settlement development boundary for Llandrinio and therefore the principle of residential development within this location is supported in principle.

The proposal also seeks to convert an existing building rather than to demolish the existing building and therefore reduces waste and re-using the existing site.

It is therefore considered that the principle of the proposed development fundamentally complies with relevant planning policy subject to the following considerations.

Flood Risk

Under Technical Advice Note 15 (TAN15) Development Advice Maps the application site including parking, access routes and amenity space are all located within a C2 floodzone (and Flood Zone 3 under the Flood Maps for Planning).

TAN15 identifies C2 flood zones as areas of floodplain which are without significant flood defence infrastructure and where only less vulnerable development should be considered.

It is of importance to note that, as raised above, the last known uses and planning consents for the property are all highly vulnerable development. Therefore, whilst the application is proposed for a highly vulnerable development within a C2 floodzone, it does not in itself introduce a new highly vulnerable development.

NRW have raised an objection to the scheme when referring to the C2 floodzone but in their response confirm that it is for this Authority to determine whether the proposal is acceptable or not on policy grounds.

Consideration has therefore been given to the 'risk' associated with this proposed development.

Additional information was provided by the applicant in respect to the occupancy and fall-back position of the care home in respect to the proposed residential use. Consent has previously been granted for a 40+ bedroom care home whilst in comparison this proposal is for a 22- bedroom residential development, reducing therefore the level of occupancy associated with the development.

Whilst the Local Planning Authority (LPA) would not usually support a highly vulnerable development within a floodzone, we are in a situation where the flood risk associated with the development site already exists. In this instance the main consideration is whether the proposed re-use of the existing building is acceptable from a flood risk perspective compared to the extant / fall-back position. As a higher risk development (40+ bedroom care home) could be implemented at the site, this proposal would lead to a lower risk in terms of its reduced occupancy and for that reason it is considered acceptable.

Through a Flood Consequence Assessment, the following mitigation proposals have been put forward:

- Existing flood defences surrounding the property (bund).
- The site is located within an NRW Flood Alert Area (up to 2 hours notice).
- Recommended that internal electrical items are at least 1.0 metre above existing floor levels.
- Flood Evacuation Plan provided to all occupiers.
- Parking area to be permeable surfacing for infiltration.

In addition to the above, concerns from local residents have been raised over increased flows and loads as a result of the development, which may only add to the flood risk. Calculations have been completed in line with the British Water Code of Practice and it has been confirmed given the reduced level of occupancy the development would result in a betterment in terms of discharge from the site.

As part of the submission the applicants provided details for increasing the existing bund heights by 970mm and parking/access routes by 840mm. The impacts of those increased heights on flood impact elsewhere and impacts to the settings of nearby residential properties has not been appropriately investigated and therefore the Local Planning Authority will not be supporting that proposal and will be conditioning out those works from any future consent, if members are minded to grant permission.

However, given the fallback position, the reduced occupancy rates from lawful uses and

the proposed mitigation measures it is considered that through appropriately worded conditions the proposed development and periods during a flood event could be appropriately managed.

On balance it is therefore considered that the proposed development is acceptable as it would not increase the level of risk associated with the proposed development site.

Design and External Appearance

Policy DM13 of the Powys Local Development Plan also seeks to ensure that development is designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detail.

The proposal will seek to convert the existing building through its re-use with only minor alterations externally proposed. The amendments proposed include the insertion of a window, doorways and alterations to some of the existing openings and slight increase in size of an existing extension off the south elevation to provide a staircase for fire escape.

It is considered that the proposed extension has been designed to replicate the height and design of the existing structure on site and therefore the visual impact of the extension is considered to be minor, located to the rear of the property.

Based on the scale, design and location of the works proposed it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Housing Need

Policy H5 states that new housing developments of five or more dwellings will be required to make contributions towards the provision of affordable housing. Llandrinio falls within the Severn Valley catchment area and therefore a 20% contribution will be required to be secured as part of the application.

Concerns have been raised through public representations that there is no need for the development as proposed.

It is noted that a total of 213 applicants are currently on the Common Housing Register for Llandrinio and surrounding settlements. It is noted that the overwhelming need is for smaller 1- and 2-bedroom properties. Whilst there have been recent consents in both Llandrinio and surrounding areas which will provide some of the recognised need it is considered that these development do not amount or address all of the recognised need locally.

This development proposes a mix of 18x one bedroom apartments/studios and 2x two

bedroom apartments.

It is therefore considered that there is a recognised need for the development and the units proposed on this site will contribute to meeting that recognised wider need.

Should the application meet with approval, a condition will also be attached to any grant of consent in line with the Conditions Circular by Welsh Government to secure the initial and subsequent occupation of the apartments allocated for affordable need.

Highway Safety

Policies DM13 and T1 of the Powys Local Development Plan (2018) indicate that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon the network and mitigate adverse impacts.

Through public representations, concerns have been raised over the increased use of traffic alongside the single-track lane to the site which is currently only used for an Outdoor education centre and farm use. Whilst these concerns are noted, the use of Unity House has not been considered as part of the concerns raised and whilst Unity House currently remains empty there is of course a fallback position of highway movements associated with its extant use.

It is noted that the proposed use would represent a reduced number of traffic movements than the extant permission/use associated with the development and the proposal would therefore represent a betterment in terms of traffic movements on the surrounding highway networks.

In addition, it is noted that concerns were raised over the level of parking provided on site. Concerns specifically raising that the parking spaces provided not being sufficient to the level of apartments proposed. Under the CSS maximum car parking standards it is acknowledged that new developments must provide one car parking space per bedroom. In this instance we have a development which includes a total of 22 bedrooms being proposed with 27 parking spaces being provided, allowing some visitor car parking also available to the development.

Whilst concerns were initially raised from the Highway Authority over the development proposed, following additional information and a review of the planning history for the site, Officers confirmed that they removed their previous holding objection to the scheme and recommend a condition is attached to any grant of consent securing the parking and turning areas proposed.

Subject to an appropriately worded condition it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Public Open Space

LDP policy DM3 deals with the provision of public open space. It requires that provision for public open space (POS) will be sought from all housing developments of ten or more dwellings.

It is noted that the land surrounding Unity House will be available as open amenity land.

Given the scale of the units proposed as predominately 1 bedroom flats it is considered that this open space is sufficient and appropriate to the development proposed. It is noted that facilities such as a bike store will also be provided within this area for use.

It is therefore considered that the proposed development fundamentally complies with relevant planning policy.

The Natural Environment

Policy DM2 states that proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests. Proposals which would impact on natural environment assets will only be permitted where they do not unacceptably adversely affect those assets. This is further emphasised within Technical Advice Note (TAN) 5.

The application is informed by the following additional information: Thorne, RG. & Thorn, K. (July 2021) Ecological Impact Assessment at Unity House by Churton Ecology.

Additional information was submitted through bat activity surveys which focussed on the northern wing of the building where evidence of bat use and potential access points were identified. The results confirm the presence of a soprano pipistrelle maternity roost where three access points were confirmed.

The roost is considered to be of significant local importance and a European Protected Species licence will be required for the development separate to this planning application.

As part of the survey mitigation proposals were proposed including:

- Retention of roost access points following cosmetic works to the northern wing
- Installation of a small awning immediately above the existing window located below the main roost access points closest to prevent light disturbance
- Insulated and non-insulated bat boxes and inter-rafter squeeze boxes will be installed in the north loft space as enhancement of the roost

The enhancements proposed are welcomed and NRW/Powys Ecologist have recommended a number of conditions to be attached to any grant of consent including a bat conservation plan which can be agreed prior to the commencement of development.

- External Lighting

Careful consideration will need to be given to any external lighting proposed as part of the future use of the development site.

Measures will need to be identified to minimise impacts to roosting bats and other nocturnal wildlife commuting or foraging around trees and hedgerows.

It is, therefore, recommended that submission of a wildlife sensitive lighting scheme is secured through an appropriately worded planning condition.

- Landscaping

Concerns were raised by public representations that insufficient information had been provided in respect to the protection of nearby mature trees. It has been confirmed through additional information that a mature oak with potential bat roost features and a semi-mature aspen will be retained throughout the development, which is welcomed.

It is however noted that the proposal will result in some loss of habitat for nesting birds which will be mitigated for through additional landscape planting throughout the curtilage of the site.

It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme to include proposed species mixes, planting and aftercare schedules which can be agreed prior to the commencement of development.

- Biosecurity Risk

Montbretia, a non-native invasive plant (a garden escape) was identified from various locations across the site.

An eradication plan will be required prior to commencement of any ground works to avoid further spread. It is therefore recommended that the submission of a Biosecurity Risk Assessment is secured through an appropriately worded planning condition.

- Biodiversity Enhancement

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Local Authorities are required to maintain and enhance biodiversity through all of its functions – this includes the planning process. As part of the application a biodiversity enhancement scheme has been submitted in support of the application. The enhancements are considered to be appropriate to the proposed development in accordance with the above recognised requirements.

In addition to enhancements to the bat roost, and proposed landscaping including a

native species hedgerow nesting boxes for house sparrow on the building are also recommended within the ecology report.

All of the measures are welcome and considered appropriate to the scale, location and nature of the development and will be secured in perpetuity through an appropriately worded condition.

- Biodiversity Conclusion

Subject to the proposed recommended conditions it is considered that the proposed development would not result in an adverse effect on the integrity of any protected sites and the proposal fundamentally complies with relevant planning policy.

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).

Nearby Designations:

Cadw ID 7613 Church of St Trunio grade II* included on the statutory list on 31/01/1953
Cadw ID 15400 Sundial opposite porch at Church of St Trunio on the statutory list on 29/12/1994
Cadw ID 15401 Old School Room at Church of St Trunio included on the statutory list on 29/12/1994

The application site is located to the south-west of the grade II* listed Church. The church and churchyard are in a rural location with the churchyard surrounded by mature trees, which add to the tranquillity and sense of place. The proposed car park would be in proximity to the churchyard.

The Built Heritage Officer acknowledged that Unity House as existing is surrounded by

a bund which acts as flood defence for the property. The bund, as existing, currently screens the car park from the church.

Initial proposals from the applicant were proposed to increase the height of the existing bund, access routes and parking areas. However, the impacts of these works have not been appropriately considered and therefore will be conditioned out of any decision.

In light of the above, given that the bund will not be increased in height and will remain as existing with mature planting surrounding the churchyard, both of which act as a boundary/screen between either development it is considered that the proposed development and increased parking area would not harm the settings of the nearby listed buildings.

The application area is also located some 320m west of scheduled monument MG046 Llandrinio Bridge. The monument consists of a road bridge over the River Severn and associated anti-invasion defences. The bridge became the focus for anti-invasion works in the early period of World War II (AD 1940-41).

The proposed development will see the existing Unity House converted from a nursing home into residential apartments some small extensions to the existing building will be required and the grounds will be landscaped to include a formal car park. Cadw note that the proposed development will be visible in the identified significant view from the bridge, but will be heavily screened by a building and existing vegetation. As such the visual change from the scheduled monument will be very slight and will not have any effect of the way that it is experienced, understood and appreciated.

Consequently, it is therefore concluded that the proposed development will have no impact on the setting of scheduled monument MG046.

Public Representations

Whilst a number of the concerns raised through the public representations have been considered throughout the above report there are a number of outstanding points which will be addressed as follows:

- Noise

Concerns have been raised over the potential noise impact to nearby properties. The nearest property is approximately 30 metres between either built development. Given therefore the distances involved, that Unity House is an existing building and the reduced levels of occupancy against extant permissions it is considered that the development would not result in any further harm or unacceptable levels of noise associated with the development.

- Bins

It is noted that a bin store will be provided within the curtilage of the site and will be walled to reduce risk of odours etc to nearby properties. The Highway Authority have confirmed that the developer will be required to liaise with the Waste team at PCC to discuss arrangements on bins and collection but it is likely that community facilities will be provided to accommodate all the flats to avoid each individual unit having separate recycling bins. This is typical throughout the county and reduces the number of bins required.

This will therefore need to be managed by the developer/landlord of the property.

RECOMMENDATION

In light of the above, whilst the concerns raised have been noted it is considered that the fall-back position of the site must be appropriately considered and weighed up when determining this planning application. In this instance the proposal reduces the occupancy of the highly vulnerable development and therefore provides a betterment in terms of the risks associated with flooding and highway movements. On this basis the recommendation is therefore one of conditional consent.

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: 1.00, 1.02 Rev B, 2.10, 2.11 Rev C, Rev D, 3.10 and 3.11.

3 Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it.

The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the

affordable housing and the means by which such occupancy criteria shall be enforced.

4 No development shall commence until a Bat Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to :

- o Building upon the principles outlined in the ecological report (Ecological Impact Assessment at Unity House, Llandrinio, Llanymynech, Powys, SY22 6SG by Churton Ecology dated December 2020).
- o Submission of details concerning bat mitigation and compensation measures including plans. (This to include confirmation of the option to safeguard bats in Section 5.1.2 of the ecology report).
- o Details of timing, phasing and duration of construction activities and conservation measures.
- o A timetable for implementation demonstrating that works are aligned with the proposed phasing of the development.
- o Actions to be taken in event previously unidentified species of bat are found.
- o Persons responsible for implementing the works.
- o An ecological compliance audit.
- o Post construction monitoring and record dissemination for a period of not less than 5 years.
- o Submission of details outlining any external lighting schemes together with plans. Plans shall illustrate current and/or proposed bat emergence points together with features that currently or are planned to be functionally used by bats for dispersal purposes. We advise that details of the submission references the Institution of Lighting Professionals and Bat Conservation Trust: Guidance Note 08/18: Bats and Artificial Lighting in the UK.

The Conservation Plan shall be carried out in accordance with the approved details.

5 Prior to the commencement of development the submission and implementation of an approved ecological compliance audit (ECA) scheme shall be submitted to and approved in writing by the Local Planning Authority. The purpose of the Ecological Compliance Audit is to evidence compliant implementation of all ecological avoidance, mitigation and compensation works. Development thereafter shall be completed in full accordance with the details as approved.

6 No development, including site clearance, with the potential to impact on invasive species, shall commence until a site-wide Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

7 Prior to the commencement of development an emergency evacuation scheme (flood event) shall be submitted to and approved in writing by the Local Planning

Authority. The scheme shall also include an implementation scheme for all mitigation measures as identified in Section 8 of the Flood Risk Assessment for Unity House. Development thereafter must be completed in full accordance with the details as approved.

8 Notwithstanding the approved plans, no permission is hereby granted for the raising of the existing flood protection levels of the bund, wall and access drive as identified in Section 8 of the Flood Risk Assessment for Unity House.

9 Notwithstanding the details submitted, prior to commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures and implementation scheme. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and position. The approved scheme shall be implemented in full and maintained thereafter.

10 No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife, including bats and otter, in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

11 Development must be completed in full accordance with Section 5 (Proposed Avoidance Measures, Mitigation and Enhancements) of the Ecological Impact Assessment by Churton Ecology dated July 2021.

12 Prior to the occupation of each of the apartments hereby approved, provision shall be made within the site plot for the parking and turning of vehicles as detailed on the approved site plan 18.008 1.02 Rev B. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

13 The parking area hereby approved shall be constructed using permeable surfacing only such as permeable block paving, porous tarmac or similar. The areas as constructed shall thereafter remain as above in perpetuity.

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 To ensure an appropriate level of affordable housing is provided and secured through the lifetime of the development in accordance with policy H5 of the Local Development Plan (2018) and the Affordable Housing SPG.
- 4 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 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
- 5 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 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
- 6 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 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
- 7 To mitigate against the risk of floods in accordance with Technical Advice Note 15 and policies DM5 and DM6 of the Local Development Plan (2018).
- 8 To mitigate against the risk of floods in accordance with Technical Advice Note 15 and policies DM5 and DM6 of the Local Development Plan (2018).
- 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 11, 2021), 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 11, 2021), 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 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
- 12 In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
- 13 To mitigate against the risk of floods in accordance with Technical Advice Note 15 and policies DM5 and DM6 of the Local Development Plan (2018).

Informative

1 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

2 Warning: An European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at https://naturalresources.wales/permits-and-permissions/species-licensing/when-you-need_to-apply-for-a-protected-species-licence/?lang=en. Development should not be commenced until the Applicant has been granted a licence by our species licensing team pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) (as amended) authorising the specified activity/ development to go ahead. Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application. We advise recipients of planning consent who are unsure about the need for a licence to submit a licence application to us.