

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 Community	Valid Date:	22.03.2021

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. 3no studio apartments with associated parking for 27 vehicles together with amenity space

Application Type: Full Application

UPDATE REPORT

An amended location plan has been received, containing, and confirming that the land and existing access track to the County Highway is located within the ownership of the applicant.

The below conditions have therefore been amended to reflect that amendment.

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 subject to confirmation from Welsh Ministers that they do not wish to call-in the application.

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 Rev A, 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.

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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).

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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.

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