

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

**Application Number:** 20/0659/FUL

**Grid Ref:** E: 322826  
N: 307337

**Community Council:** Welshpool Community

**Valid Date:** 19.08.2020

**Applicant:** Mr Arwyn Evans - Clwyd Alyn Housing Association

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

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

**Application Type:** Full Application

### The reason for Committee determination

The application comes before Members of the Planning Committee as the building known as Neuadd Maldwyn is within the ownership of Powys County Council and is a major development.

### Consultee Responses

#### Consultee

#### Received

Community Council

18th Sep 2020

Welshpool Town Council discussed this application at the planning meeting on the 16th September and make the following comments:

- o That all comments and concerns raised by neighbours and Welshpool residents are taken into consideration
- o There is concern from the general public about the design of the extra new parts of the building with regard to the aesthetics of the area and the lack of privacy for the existing neighbours
- o We question the procedures of Powys CC as the Conservation officer is not able to comment on the application
- o There has been little or no dedicated consultation with neighbouring properties and

none with Design Commission Wales.

- o The plans are contrary to the Welshpool Local Development Plan and do not conform with guidance from the Design Commission for Wales and do not make any attempt to meet the aims of the Wellbeing of Future Generations Act for a healthier Wales, Cohesive Wales, more resilient Wales and a more equality Wales
- o There is concern about the amount of parking for the number of dwellings
- o The location of refuse is not acceptable and is detrimental to the neighbouring properties
- o There is concern about the development being for a single age group - not mixed accommodation
- o It is inappropriate for Welshpool as we know we were informed by Dylan Owen (PCC) that we are losing young people throughout Powys - 5000 fewer economically active young people are leaving and 10,000 come into the area to retire i.e. the economically inactive
- o There is already pressure on the existing local services and the healthcare service for the nature and type of this development - it is known that there is a shortage of carers locally which means that there is a continual need for and agency staff travel into Welshpool to carry out this type of work
- o There being 16 care homes / supported living homes/ nursing homes in Welshpool already and that our population is under 7K. This shows that this age group is adequately catered for already and the Neuadd Madwyn development should be considered for a mixed age group
- o Neither Welshpool Town Council or the neighbours are against this being residential units, but there are too many people going to be living on the site, it is for a single age group, there is no diversity of ages or abilities, it is not a good place to live for this has mixed age groups. and it will have a detrimental effect on Clive Place
- o There is nothing to say what Chalfont House is going to be used for - there is serious concern about this
- o No notice has been taken about the Wellbeing of Future Generations Act for a healthier Wales, Cohesive Wales, more resilient Wales and a more equality Wales

We also ask that the following comments from the neighbours are taken into consideration.

'We the neighbours, know that the development will happen and are not adverse to the

proposals, however aesthetically it's unsympathetic to its surroundings and we question Powys County Council's procedures and processes. Of concern and in no particular order -

- o It's ugly, over massed and in a conservation area
- o The Built Heritage Conservation Officer (BHCO) is unable to comment and is obliged to be impartial
- o Emergency services' access has still yet to be resolved
- o No engagement with neighbours and no care for their sentiment
- o No engagement with the Design Commission for Wales
- o Is there a real need?
- o Is there ample parking?
- o Are the building materials sympathetic to the neighbouring houses?
- o Procedurally, has Powys County Council followed the correct processes to the letter of the law and have best practices been implemented?
- o Is there enough privacy allowed to neighbouring gardens?
- o Is it fair that the refuse/waste area be sited adjacent to 3 Clive Place and Clive House gardens?
- o The plans are in contravention to Powys Local Development Plan Supplementary Guidance Conservation Area, adopted by Powys County Council in January 2020
- o No attention nor plan has been proposed nor implemented to ensure the duty of care to the adjacent Grade 2 listed buildings during the construction phase

Powys County Council have been fastidious with numbers 2 Clive Place, 3 Clive Place and Clive House, the owners' being unable to replace a window, trim a tree nor change

the surface finish of a drive way without oversight, yet this development appears to be pushed through rough shod, without style, grace nor engagement. The residents of Welshpool do not want another mini Oldford and we remain overwhelmingly sceptical of the need and quality of the end result.'

PCC-Building Control

27th Aug 2020

Building Regulations application required.

WG - Highways Directorate

21st Sep 2020

I refer to your consultation of 26 August 2020 regarding the above application. The Welsh Government as Highway Authority for the A483 Trunk Road would not object to the proposed use and notes the development, would in fact be favourable in terms of reducing vehicular movements. However, we direct that planning permission is not granted at this time as further information on the emergency access to Chalfont is required.

The applicant must provide the following information to support this application or resubmit the application with the following details;

1. The general arrangement of the junction, evidencing swept path arrangements for the worst case design vehicle can be accommodated within the carriageway.
2. Confirmation of the frequency of intend use.
3. How the access is intended to be controlled to stop day to day use. Plan identifies a gated access, but no details given. Any arrangement would need to be setback from the existing carriageway to accommodate the worst case design vehicle, clear of the running lane of the roundabout arm.
4. Consideration for the existing footway, should be given. When designing the form of the junction, please show on plans the intended interface between the junction works and the aforementioned footway, as required.

I refer to your consultation of 2<sup>nd</sup> December 2020 regarding the above application, and advise that the Welsh Government as highway authority for the A483 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application. The applicant must provide the following information to support this application or resubmit the application with the following details;

1) The general arrangement of the junction between the fire appliance access and the arm off the Trunk Road roundabout is required with significant dimensions (widths, corner radii / entry splay, longitudinal gradients etc.) clearly identified. As the access has been identified for use for emergencies and during construction only, the Welsh Government revokes the concern for the access to accommodate the worst case vehicle, clear of the running lane of the roundabout arm. However, it has been observed the swept path analysis identifies the proposed access width is insufficient to accommodate the overhang of the proposed design vehicle, which would result in additional manoeuvres required for access. Please supply your plans to rectify the issue.

Additionally it has been observed the vehicle now being tracked, is smaller than the one previously i.e. it would be assumed the footprint will be less onerous, please confirm the vehicle type has been agreed with all relevant parties.

2) Consideration for the existing footway, should be given. When designing the form of the junction, please show on plans the intended interface between the junction works and the aforementioned footway, as required. General Notes Any works undertaken within or forming part of the highway shall meet the requirements of Section 184 of the Highways Act 1980, and shall only be commenced with the specific agreement of the Welsh Government.

The Section 184 agreement is managed by our Trunk Road Agents on our behalf, for North and Mid Wales please apply to the North and Mid Wales Trunk Road Agent. <http://www.nmwtra.org.uk/>

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

I refer to your consultation of 22 December 2020 regarding the above application and advise that the Welsh Government as highway authority for the A483 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

- 1) Longitudinal gradient of the emergency access to assess the 'dwell' area in accordance with the DMRB. Steep gradients have the potential for vehicles to roll into live traffic lane and furthermore direct surface water runoff into the public highway.
- 2) Kerb line is identified as a series of straights, resulting in a jagged line. Please resupply details with a 'sweetened line' to allow for constructability.
- 3) Tactile paving required on either extents of the crossing. Please update proposals accordingly.

WG - Highways Directorate

13th Jan 2021

I refer to your consultation of 13/01/2021 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road directs that any permission granted by your authority shall include the following conditions:

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

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

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

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

The above conditions are included to maintain the safety and free flow of trunk road traffic.

If you have any further queries, please forward to the following Welsh Government Mailbox [NorthandMidWalesDevelopmentControlMailbox@gov.wales](mailto:NorthandMidWalesDevelopmentControlMailbox@gov.wales)

Natural Resources Wales (Mid Wales)  
DPAS

14th Sep 2020

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about the above, which we received on 25/08/2020.

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

Requirement 1 - BATS: The submission of bat surveys to include bat activity observations and provision of any necessary mitigation to demonstrate the proposal is not detrimental to the maintenance of the population of any species of bats concerned at a favourable conservation status in its natural range.

#### Protected Species

We have reviewed the Preliminary Ecological Appraisal report submitted in support of the above application dated April 2020 by Ascerta and we note that although no bat roosting evidence was found during the preliminary site inspection in January 2020, five of the buildings affected by the development were considered to have high bat roosting potential.

Although a bat report has been submitted, we do not consider that there is adequate information to assess potential effects of the proposed development on bats that may be present at this site. Confirmation of bat use/ absence as well as species identified will be required to establish the likely effect of the proposal on bats and secure appropriate mitigation.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where bats are 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:

- i. the development works to be authorised are for the purpose 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.
- ii. There is no satisfactory alternative and
- iii. 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.

We note the bat surveyor identifies the need for activity surveys, however he suggests that these can be carried out prior to commencement of works and therefore after determination.

This is contrary to paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (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.

Whilst we understand bat surveys may be required between determination and commencement of works in line with section 9.2.4 of the BS 42020:2013 and to provide additional evidence to inform mitigation, the determination of presence/absence of a roost at planning application stage is a material consideration for the LPA and must be established prior to granting planning permission, as the demolition of this building would result in a complete loss of a roost if present.

Surveys will also inform any mitigation requirements which will have to be included within the proposed plans and details of lighting design to retain/enhance dark commuting corridors/ flight lines used by bats.

Therefore, we have significant concerns with the development as currently proposed, and recommend the application remains undetermined until it can be demonstrated that the proposal will not be detrimental to the maintenance of the population of any species concerned at a favourable conservation status in its natural range.

#### Protected Sites

From the information provided, the scale and nature of the proposal, we consider that the proposal is not likely to have a significant effect on the Montgomery Canal Special

Conservation Area (SAC).



We also consider that the proposed development is not likely to damage the features for which the Montgomery Canal Site of Special Scientific Interest (SSSI) is of special interest.

To avoid any contamination of the Montgomery Canal's waters, all works at the site must be carried out in accordance with the relevant PPGs: which are available on the following

website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelinesppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Our advice may change should modifications be made to the proposed development prior to the determination of the application. If there are any changes to the proposed development which may affect the consideration of potential environmental impacts, please consult us again before you determine the application.

### Flood Risk

The planning application proposes residential development. Our Flood Risk Map confirms the site to be within Zone A of the Development Advice Map (DAM) contained in TAN15.

We have reviewed the Flood Consequence Assessment (FCA) report dated 20/03/2020 by The Alan Johnston Partnership LLP which accompanies the application. We support the various mitigation measures recommended to address any residual flood risks, such as sensible adjacent ground recontouring away from the main built development and ensuring internal floor levels are above adjacent ground levels. We recommend the advice within the FCA should be incorporated within the detailed design to secure its implementation.

### Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, 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 environmental 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.

Advice for the developer:

### Waste

Waste produced during the construction phase of your development must be dealt with appropriately, and be in line with all relevant waste legislation including Duty of Care

Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- o before it is collected, disposed of or recovered
- o to identify the controls that apply to the movement of the waste
- o to complete waste documents and records
- o to identify suitably authorised waste management options
- o to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

Natural Resources Wales (Mid Wales)  
DPAS

21st Oct 2020

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about additional information on the above, which we received on 04/10/2020. We continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirement is met. Otherwise, we would object to this planning application.

Requirement 1: Clarifications regarding the extent of works affecting buildings B1 and B7 (as identified within the preliminary ecological appraisal report dated October 2020), to enable us to advise your authority on the potential impacts to European Protected Species (bats). Protected Species

We have reviewed the Bat Nocturnal Surveys and revised Preliminary Ecological Appraisal report submitted in support of the above application dated October 2020 by Ascerta. These reports have been submitted in response to Requirement 1 of our response letter dated 14/09/2020.

We note three bat activity surveys were completed between July and September 2020, in line with Bat Conservation Trust, Bat Survey Good Practice Guidelines (3rd Edition). The surveys have identified the presence of common pipistrelle and soprano pipistrelle bats roosting in two of the buildings surveyed (B1 and B7). The reports make recommendations in relation to B1, proposing avoidance and mitigation measures as well as the need for pre-commencement of works surveys, but they do not describe the extent of works affecting this building. They also conclude that a European Protected Species (EPS) licence would not be required because of the low numbers of bats found to use the building. However, we advise that in Wales, development that results in the loss of a bat roost (regardless of the number of bats involved) can only proceed under licence issued by NRW, having satisfied the three requirements set out in the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, further information is needed to understand the impact on roosting bats and if a roost is going to be disturbed, affected, adapted, temporarily lost or permanently lost etc. during development, a license issued by NRW will be required.

Furthermore, the 'Bat Nocturnal Surveys' report states that building B7 (Chalfont) has now been removed from the planning application and therefore bats roosting within this structure will not be affected and won't be given further consideration. This is not in line with the Proposed Site Sections plan (drawing CAWLMA00XXDRA1400 Rev P8), as submitted. The plans include the refurbishment and partial demolition of B7 and therefore, confirmation on whether the Chalfon will be included in the development is required together with the submission of amended supportive documents which reflect the proposal as intended.

We appreciate the level of refurbishment needed on each building may not be known at this outline stage, however, the latest information provided contradicts the submitted plans. We therefore expect to see an impact assessment that reflects the proposal as intended to enable us to confirm the proposal will not be detrimental to the maintenance of the population of the bat species concerned at a favourable conservation status in its natural range. Please refer to our letter of 14/09/2020 for comments on protected sites and flood risk.

#### Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, 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 environmental 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.

Natural Resources Wales (Mid Wales)  
DPAS

12th Nov 2020

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about additional information on the above, which we received on 06/11/2020. We continue to have significant concerns with the proposed development as

submitted. We recommend you should only grant planning permission if you include the following documents within the condition identifying approved plans and documents on the decision notice:

- o Ascerta, Ref: P.1268.19 Rev A, 02/11/2020, Bat Nocturnal Surveys, Section 7 Protected Species

We have reviewed the updated Bat Nocturnal Surveys report dated 02/11/2020 by Ascerta which has been submitted in response to Requirement 1 of our response letter dated 21/10/2020.

We are satisfied the clarifications added in section 5 of the report address our requirement for clarification and we agree with the conclusion and recommendations of the report. Provided all the recommended reasonable avoidance measures and mitigation in section 7 of the bat report are implemented, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

If bats are found or seen during works, all work must stop immediately and advice sought from NRW before works can restart.

#### Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, 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

environmental 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.

Natural Resources Wales (Mid Wales)  
DPAS

3rd Dec 2020

Thank you for consulting NRW on additional information on the above. We have reviewed the documents uploaded on your website on 02/12/2020 and we have no further comments to add.

PCC-Ecologist

9th Oct 2020

Thank you for the opportunity to comment on planning application 20/0659/FUL which concerns an application for redevelopment of former office building and site to provide an extra care facility, which will include 66 no. self-contained 1 & 2 bedroom apartments with supporting facilities, alterations to Chalfont, and the demolition of the single storey outbuildings at Neuadd Maldwyn Severn Road Welshpool SY21 7AS.

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

The data search identified 287 records of protected and priority species within 500m of the proposed development with 1 record found for the site itself. Species recorded within 500m of the proposed development include bat species; common pipistrelle, soprano pipistrelle, noctule and brown long-eared bat, and otter, hedgehog, hare, badger, grass snake, house sparrow, linnet and spotted flycatcher.

Two statutory designated sites were identified within 500m of the proposed development:

- o Montgomery Canal Site of Special Scientific Interest (SSSI) - approximately 90m from the proposed development
- o Montgomery Canal Special Area for Conservation (SAC) - approximately 90m from the proposed development

Given the proximity of the proposed development to the Montgomery Canal SAC, the potential for the proposed development to impact the Montgomery Canal SAC during the construction and operation phases of the development and the potential for a Likely

Significant Effect on the Montgomery Canal SAC and/or its associated features has been considered.

Having reviewed the information provided by the applicant and reviewing OS map and aerial images of the area, it is considered that there is potential for the proposed development to impact the Montgomery Canal SAC. Pollution/contamination from construction activities could result in a Significant Effect. Therefore, to demonstrate that the proposed development would not result in a Likely Significant Effect on the Montgomery Canal SAC and/or its associated features a Pollution Prevention Plan is required to ensure no negative impact is caused during construction activities on the site. This information is required to be submitted prior to determination of the application to enable a Habitats Regulations Screening to be undertaken.

It is considered that further information is required to enable the Local Planning Authority to assess the potential impacts of the proposed development on the Montgomery Canal SAC, a European designated site, in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2017 (as amended). This information is required to be submitted prior to any further development works being undertaken.

It is recommended that preparation of the Pollution Prevention Plan refers to relevant guidance which can be found at:

<https://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/>

One non-statutory designated site was identified within 500m of the proposed development.

- o Severn Farm Pond Wildlife Trust Reserve (WTR) - approximately 340m from the proposed development.

Having taken into account the location of the WTR in relation to the proposed development and the nature of the works proposed, it is considered that there would not be a likely negative impact directly or indirectly to the WTR and/or its associated features.

#### Preliminary Ecological Appraisal

I have reviewed the Preliminary Ecological Appraisal, Rev A, produced by Ascerta, dated April 2020, and consider that the survey methods and effort employed were in accordance with current National Guidelines.

The Preliminary Ecological Appraisal (PEA) report details the findings of a phase 1 habitat survey and a protected species habitat suitability assessment undertaken on 22nd January 2020, as well as the results of an associated desk-based study. Habitats

identified within and immediately adjacent to the proposed development site include:

- o Office buildings
- o Hardstanding (car parks)
- o Amenity grassland
- o Species-poor hedgerows
- o Introduced shrubs
- o Scattered trees
- o Residential dwellings
- o Roads
- o Retail and industrial premises
- o Public open spaces

The proposed development site was surveyed for its ability to support a number of protected species including:

- o Mammals (badgers, brown hare, otter, hedgehog and bats)
- o Birds
- o Amphibians and reptiles
- o Invertebrates

Although the survey took place in January (a sub-optimal time for vegetation surveys) it was considered that sufficient vegetation was present on site to enable a reliable assessment of habitat types to be made. The proposed development site was assessed as being unsuitable for supporting badger, amphibians (including great crested newts), reptiles, brown hare, polecat and otter.

The habitats on site were considered to provide moderate commuting and foraging potential for bats. A preliminary bat roost assessment of the buildings and trees on site was undertaken to identify potential roosting features and/or access points. Of the trees assessed for presence of potential roost features, only two trees were identified that were considered to have potential to support roosting bats (T5 and T11 in the submitted Arboricultural Impact Assessment). T5 will be retained within the development, no further

surveys were required. T11, a lime, will be removed to accommodate the proposed development and, therefore, further surveys were recommended prior to felling to determine the presence or likely absence of a bat roost. Areas of introduced shrubs east of the main building and a number of trees on the north of the site are to be removed to accommodate the proposed development and access road. None of these were considered suitable for roosting bats but contribute to potential commuting and foraging habitat.

Internal and external inspections were made of seven buildings on site (numbered B1-B7). Buildings B1 and B2 constitute the main office areas. No evidence of bats was observed during internal or external inspections of either building. However, a number of potential roost features and access points were identified on both structures. The buildings were considered to have high potential to support roosting bats.

Building B3 was identified as an assembly hall and office. No evidence of bats was observed during internal or external inspections. Multiple potential roost features and access points were identified and the building was considered to have high potential to support roosting bats.

Building B4 was identified as interconnecting portacabins north of B2. No evidence of bats was observed during internal or external inspections. The building was considered to have negligible potential to support roosting bats. However, further assessment for potential roosting suitability would be required if an EPS licence is required for works elsewhere on site and has not been obtained before May 2021.

Building B5 was located within the car park north of B2. It was unoccupied and in a poor state or repair. No evidence of bats was observed during external inspection, internal access was not possible at the time. Multiple potential roost features and access points were identified and the building was considered to have high potential to support roosting bats.

Building B6 was identified as a small brick storage building in the north west corner of the site. No evidence of bats was observed during internal or external inspections. The building was considered to have negligible potential to support roosting bats. However, as for B4, further assessment for potential roosting suitability would be required if an EPS licence is required for works elsewhere on site and has not been obtained before May 2021.

Building B7 was a two-storey detached former dwelling (Chalfont) located to the east of the site and accessed via the main car park. No evidence of bats was observed during external inspection, internal access was not possible at the time. Multiple potential roost features and access points were identified and the building was considered to have high



potential to support roosting bats.

The presence of multiple potential roost features on buildings B1, B2, B3, B5 and B7 and potential for presence of maternity and/or transitional day roosts requires further bat surveys to be undertaken. At least three nocturnal surveys between May and September were recommended, with at least two surveys falling between May and mid-July. A bat survey has subsequently been submitted to inform the application.

It was considered that loss of introduced shrubs and trees will result in loss of nesting and feeding habitat for birds. Therefore, mitigation for nesting birds was advocated to include timing works to avoid nesting season and provision of nesting boxes. Additional surveys for nesting birds would be required prior to demolition or vegetation clearance if works are scheduled during the nesting season (March-August inclusive).

Suitable habitat existed to support hedgehog (Environment (Wales) Act 2016, s.7 listed species) and removal of a brash pile and scrub could adversely impact any animals on site. Implementation of Reasonable Avoidance Measures to safeguard hedgehog during works were recommended. Mitigation through provision of a replacement hibernaculum and hedgehog friendly fencing were also considered appropriate.

Is it, therefore, recommended that measures to safeguard nesting birds and hedgehogs during the demolition and construction phases are secured through an appropriately worded planning condition.

The proposed development site was also assessed for presence of invasive plant species and stands of *Rhododendron ponticum* and *Cotoneaster* were identified within and adjacent to hedgerows. Both species are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) meaning that it is illegal to cause their spread in the wild. Therefore, it has been recommended that control measures are undertaken during works to avoid their spread both within and outside of the site.

Is it, therefore, recommended that submission of a Biosecurity Risk Assessment and Method Statement for control of invasive non-native plant species is secured through an appropriately worded planning condition.

Potential impact of the proposed development on the Montgomery Canal SAC was assessed. Given the design of the proposed development, it was considered that potential impact arising from increased recreation along the canal tow path would be unlikely to cause an adverse effect.

No priority habitats were confirmed from the site and enhancement of the existing species-poor hedgerows (comprising privet, conifer, holly, beech and cotoneaster) would mitigate for loss of the introduced shrubs and northern trees. The hedgerows, scattered

trees and grassland would be retained within the development. Overall, it was considered that the proposed development would not adversely affect the ecological value of the site subject to control of invasive non-native plant species, further assessment of buildings and tree T11 for presence of bats, adoption of a sensitive external lighting scheme to avoid impact to bats and timing works to avoid impact on nesting birds.

Biodiversity enhancements were suggested: provision of a range of bird nesting boxes, a bat box and landscaping to include native tree and shrub species and wildflower areas.

## Bat Survey

A bat survey report (Bat Nocturnal Surveys, produced by Ascerta, dated October 2020) has been submitted following the PEA undertaken in January 2020. It is considered that the survey methods and effort employed were in accordance with National Guidelines. Three activity surveys were undertaken on 2nd July 2020, (dusk survey), 6th August (dawn survey) and 10th September (dusk survey). The surveys focussed on buildings B1, B2, B3, B5 and B7, and tree T11 identified in the PEA and AIA.

No bats were observed emerging from any of the buildings or the tree during the July survey. Commuting and foraging common and soprano pipistrelle bats were detected within the site throughout the survey period. Most activity occurred in the south and east of the site adjacent to B1 (main office building). Noctule bat passes over the site were detected twice.

In August, soprano pipistrelles were observed entering building B7 (Chalfont) on three occasions. Entry location in all cases was via a gap within the roof ridgeline. A soprano pipistrelle was recorded from the southern elevation of building B1 entering a gap between roof tiles over the main entrance. Again, similar commuting and foraging behaviour by the same three species of bat was detected. No bats were detected entering B2, B3 or B5, or tree T11.

The September survey recorded similar commuting and foraging activity as previous visits. A single common pipistrelle was observed emerging from beneath a roof tile on the south east corner of B1 (main building) which then flew over the building northwards. No other emergences were detected at any of the other buildings or tree T11.

It was considered that low numbers of common and soprano pipistrelle bats were using features in buildings B1 and B7 as transitional day roosts. Most foraging and commuting activity was detected over the southern and eastern part of the site, although some activity was recorded in northern and western areas. The survey report identified that building B7 (Chalfont) which was scheduled for demolition, is to be retained within the

development. Therefore, there no bat roosts will be lost at this location. However, it is unclear whether any remedial works are proposed to B7 instead and whether these will impact on the bat roost.

It is unclear from the report whether proposed works will impact bat roosts. It was considered that a single bat roost may be impacted on the main building, although the report suggests two separate roosting locations were identified on the roof of the southern elevation of the main building (one above the main entrance and one on the south-east corner). It is not clear what works are required to the section of roof directly above the main entrance and the south-eastern corner (works are referred to in the report) although proposed plans identify installation of a glazed smoke vent on the opposite side of the roof, which may or may not be within the same undivided roof void. It was concluded that a European Protected Species licence would not be required because no roosts would be lost. If a bat roost is to be lost as a result of the proposed development an EPS licence will be required. Reasonable avoidance measures were proposed, such as toolbox talks for contractors and presence of a licensed bat worker on site to relocate any bats if they are found. However, no reference to timing of works to avoid likelihood of bats being present was proposed.

The Preliminary Roost Assessment undertaken as part of the PEA does not provide sufficient detail with regard to the suitability of the basement area in the main building B1 to be used by hibernating bats. The submitted plans indicate presence of a plant room, store and oil tank room. The proposed development is to widen the existing steps and entrance to the store-room. It is unclear if additional works/maintenance to an existing plant room light well (condition unknown) or works within the rooms themselves are proposed. Consideration should also be given to levels of future use of the rooms relative to current use. Given the location of the proposed works there is potential for harm and/or disturbance to bats hibernating in any of the rooms.

It would also be helpful (and is good practice) to have information on the experience level of the surveyors undertaking surveys. It is noted that only one NRW licensed surveyor was present and only for the September survey, although surveys did appear to have been checked prior to submission. Powys LDP Supplementary Planning Guidance (Biodiversity and Geodiversity) states that where EPS surveys are required the 'survey, survey report, and mitigation and compensation proposals must always be undertaken and prepared by a licenced surveyor'.

Further information is required regarding the impact to roosting bats in the main building (B1). Clarity is required regarding the number of bat roosts identified and to what extent these roosts and bat populations will be impacted by proposed works to the roof. Information is required regarding potential for hibernating bats to be present in the basement areas of B1. A hibernation survey will be required if potential use is indicated

due to the nature of the works proposed. It is considered that there is insufficient information with regard to potential impacts to bats, a European protected species, to determine this application.

Further comments will be provided once the required information relating to bats the Montgomery Canal SAC has been received.

PCC-Ecologist

17th Nov 2020

RE 20/0659/FUL which concerns an application for redevelopment of former office building and site to provide an extra care facility, which will include 66 no. self-contained 1 & 2 bedroom apartments with supporting facilities, alterations to Chalfont, and the demolition of the single storey outbuildings at Neuadd Maldwyn Severn Road Welshpool SY21 7AS.

I have reviewed the amended Bat Nocturnal Surveys report by Ascerta that clarifies that two transitional/day roosts are located in the roof area above the main entrance of building B1. A single soprano pipistrelle re-entered a gap under a roof tile above the main entrance during the August survey, and a single common pipistrelle emerged from beneath a roof tile on the south-eastern corner in September. Building works were confirmed to involve installation of a rooflight located on another elevation away from the two identified roosts. Loft insulation and creation of compartment walls within buildings B1, B2 and B3 are also proposed. No loss of bat roosts is predicted and appropriate mitigation measures have been proposed in the event bats are discovered during works within the roof section of B1 above the main entrance. Works to building B7 (Chalfont) are confirmed as removal of a single storey extension only. Three soprano pipistrelles were confirmed to enter a roost within the ridgeline of the main building during the August 2020 survey. The proposed works will not result in loss of the identified roost. Again, suitable mitigation measures have been proposed in the unlikely event a bat is discovered during demolition works.

It was confirmed that the entire basement area provides negligible suitability for hibernating bats and no signs of bats were identified in January 2020. The entire area was considered to be of negligible suitability for roosting bats but internal works to tank the interior walls and install fire lining materials were recommended to be undertaken between March and September in the unlikely event that opportunistic roosting bats were discovered during works.

No EPS licence will be required for works as proposed providing the recommended reasonable avoidance measures are followed. It was advised that should re-roofing works be considered at any time after development has commenced then an EPS licence would

be required.

It is therefore recommended that adherence to the submitted reasonable avoidance measures for bats should be secured through an appropriately worded planning condition.

Biodiversity enhancements were recommended in the form of provision of additional roosting and nesting opportunities for bats and birds respectively, as well as wildlife-friendly landscaping measures. It is considered that the enhancements are appropriate to the proposed development and are in accordance with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016. As Neuadd Maldwyn is a Grade II listed building it will be necessary to confirm the appropriate location of biodiversity enhancements on architectural plans.

It is, therefore, recommended that the identified biodiversity enhancement measures are secured through an appropriately worded planning condition.

It is noted that the requested Pollution Prevention Plan has yet to be submitted.

PCC-Ecologist

9th Dec 2020

RE 20/0659/FUL which concerns an application for redevelopment of former office building and site to provide an extra care facility, which will include 66 no. self-contained 1 & 2 bedroom apartments with supporting facilities, alterations to Chalfont, and the demolition of the single storey outbuildings at Neuadd Maldwyn Severn Road Welshpool SY21 7AS.

The Montgomery Canal SSSI/SAC is located approximately 90m west of the proposed development site along with another watercourse approximately 60m away. Mapping indicates that the nearer watercourse may enter a culvert and extends underground, potentially beneath the site. I have reviewed the submitted Pollution Prevention Plan, produced by Ascerta, dated November 2020, which demonstrates that construction of the site will be undertaken in accordance with best practice and in a manner that avoids harm to the wider environment and biodiversity.

It is, therefore, recommended that adherence to the submitted Pollution Prevention Plan is secured through an appropriately worded planning condition.

Given the proximity of the proposed development to the Montgomery Canal SAC, the potential for the proposed development to impact the Montgomery Canal SAC during the

construction and operation phases of the development and the potential for a Likely Significant Effect on the Montgomery Canal SAC and/or its associated features has been considered.

Having reviewed the information provided by the applicant and reviewing OS map and aerial images of the area, it has been determined that the proposed development would not result in a likely significant effect to the Montgomery Canal SAC and/or its associated features. I have attached a copy of the Screening Assessment for your records.

#### Arboricultural Impact Assessment

An Arboricultural Impact Assessment (AIA) of potential impact of the proposed development on trees present on and adjacent to the site has been made in accordance with BS5837:2012. The Arboricultural Impact Assessment, produced by Ascerta, dated 10th March 2020, identified 17 individual trees, 12 groups of trees and five hedges. Six trees (locally native and ornamental species), two groups of ornamental trees and part of a coniferous hedge will be removed to accommodate the development, including the access road. These were considered to be of moderate or low value with the exception of one Douglas Fir classed as moderate-high specimen value. A further seven individual trees, four groups of trees and two hedges are to be retained within the development, including a Giant Sequoia and a Pinus nigra (considered high value specimens). The retained trees and hedges comprise a mixture of locally native and ornamental species. It was considered that lost trees can be compensated for by replacement planting within the proposed scheme. Measures were identified to protect retained trees from damage during demolition and construction works. These included following the provided Tree Removal plan and Tree Protection Plan and preparation and implementation of an Arboricultural Method Statement prior to commencement of works that would include details relating to access, siting of cabins and storage areas, parking areas, phasing of works, working areas and root protection zones.

It is, therefore, recommended that adherence to the Tree Removal Plan and Tree Protection Plan, and submission of an Arboricultural Method Statement prior to commencement of development, is secured through an appropriately worded planning condition.

#### Drainage

It should be noted that in addition to planning approval proposed developments require approval from the Sustainable Drainage System Approval Body (SAB), prior to any construction works commencing on site, where there are new developments of more than 1 house or where the area of the project proposals with drainage implications is likely to exceed 100m<sup>2</sup> (including access tracks, areas of hard standing etc.). Standard 5 of the SAB seeks to ensure that, wherever possible the identified SUDs scheme makes the best

use of the site to maximise benefits for biodiversity (as well as for amenity, water quantity and water quality). Further information on the requirements of SAB can be found at: <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

Section 5 of the submitted Flood Consequences Assessment (FCA) recommends that early stage discussions are held with the SAB and LLFA regarding management and disposal of surface waters associated with the proposed development. The requirement to include swales, rain gardens, ponds, etc. will require reconsideration of landscaping proposals and potentially other design considerations. Therefore, the applicant is advised to consult with the SAB at the earliest opportunity to avoid the potential costs associated with future variation of approved plans.

The FCA confirms that foul drainage disposal is expected to be via the mains public sewer network with details of the connection specification to be finalised.

### Landscaping and Biodiversity Enhancement

A planting plan has been submitted to inform the application. Details have been provided regarding species, location, numbers and site preparation, planting and aftercare specifications. It is considered that the species chosen will enhance the biodiversity present on site through improved habitat areas for birds, small mammals and insects. This is in accordance with the recommendations of the submitted PEA and bat survey report. Several trees have been identified that will be retained within the proposed development and reference is made to adherence to BS5837:2012 to inform protective working methods around such trees. The plan is in accordance with recommendations for replacement planting proposed in the submitted AIA.

It is, therefore, recommended that adherence to the submitted Landscaping Plan is secured through an appropriately worded planning condition.

### Lighting

The submitted Design and Access Statement refers to the requirement of external lighting to deter intruders and reduce the risk of crime. The Statement suggests that some areas may be subject to persistent periods of nocturnal lighting: main site access, car parking areas, all footpaths and associated areas to the main building and main commercial entrance. Other commercial access points/fire exits will be subject to control via PIR sensors, photoelectric cells and time switches.

It will be necessary to minimise the amount of nocturnal light on the site to avoid adverse impact to nocturnal wildlife, particularly to bats, and to reduce light pollution, in accordance Powys LDP Policies DM2 and DM7.

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/>. An external lighting design scheme should identify clearly the style of chosen luminaries (e.g. cowled, downlighters), their locations across the site (including height above ground level), the amount of light spillage measured in lux, types of bulb, and their colour spectrum/temperature. Controls such as PIR sensors, etc. should also be clearly indicated.

It is, therefore, recommended that submission of an External Lighting Design Scheme is secured through an appropriately worded planning condition.

Therefore, should you be minded to approve the application I recommend inclusion of the following conditions:

The development shall be undertaken in strict accordance with the following

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

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

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

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



Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall be compliant with BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). Full details can be found at <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>. The approved scheme shall be adhered to and be implemented in full.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM7 in relation to Dark Skies and External Lighting, and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

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

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

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

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

In addition, I consider it would be appropriate to include the following informatives:

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

and Species Regulations 2017 (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 2017 (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](mailto:enquiries@bats.org.uk).

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs, and young are protected by law and it is an offence to:

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- o intentionally take or destroy the egg of any wild bird
- o intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young on such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird

while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop, and advice sought from Natural Resources Wales and the Council's Ecologist.

Hafren Dyfrdwy

7th Sep 2020

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- o The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- o The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

Hafren Dyfrdwy advise that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Hafren Dyfrdwy to discuss the proposals. Hafren Dyfrdwy will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer.

The developer's attention is also drawn to the legal requirement for all sites to enter into a Section 104 sewer adoption agreement with Hafren Dyfrdwy before any sewer connection can be approved, in line with the implementation Schedule 3 of the Floods and Water Management Act 2010. Full details of this are provided on our website [www.hdcymru.co.uk](http://www.hdcymru.co.uk) under the 'New Site Developments' section.

To help us provide an efficient response please could you send all responses to

APPlanning@hdcymru.co.uk rather than to named individuals, including the HD ref within the email/subject.

If you would like a copy of this in Welsh, please let us know.

Environmental Protection

17th Sep 2020

I object to the application at the current time due to insufficient information being provided at the current time. I require the following information

1. The proposed building to the rear of the site adjacent to Tesco overlooks the delivery yard and machinery (air extraction etc) servicing the shop. This yard and plant is noisy and operates on a 24 hour basis. The acoustic barrier currently in place was erected by Tesco to prevent noise affecting Chalfont as it was used for residential purposes.

The proposed new building will overlook the service yard and plant area negating the benefit of the acoustic barrier and I am of the opinion that this will disturb residents in the proposed building especially those overlooking the site. I will require a BS 4142 noise assessment, the assessment must take into account that the proposed flats will overlook the Tesco site.

2. Plan identifying any air intake or extraction ventilation and the technical specification system on the site. If there are any I will require a noise assessment of this proposed plant.

3. Is there "commercial" communal kitchen/dining area? If so I will, need the proposed detail of the odour control to be used in the preparation area.

4. Where is the waste storage area for the site? I require a plan identifying the location of the storage area and management process of managing this area of the site. On similar developments we have had issues of noise from early morning waste collections, odour affecting nearby residents and poor cleanliness resulting in vermin infestations which spread and affect neighbouring properties.

5. The Tesco smoking area for staff is close to the boundary of the site. Previously when the old "Canteen" was used for office purposes the Environmental Health department received a number of complaints of tobacco smoke entering offices affecting employees. As this area is no longer is used by PCC staff this isn't an issue however I am concerned that this issue will start again especially when residents are living adjacent to

the site. There were also noise complaints due to Tesco staff talking etc and due to the number of staff employed this continued throughout the day. This would be an issue for residents especially when background noises were lower.

Environmental Health

4th Dec 2020

Following receipt the noise assessment for the development I have no objection to the application provided that the recommended steps are followed.

Cadw - SAM

8th Sep 2020

Thank you for your consultation, I can confirm we have no comments to make.

CPAT

27th Aug 2020

Thank you for the additional consultation on this application and the associated LBC application.

In this case the Built Heritage Conservation Officer will be the primary consultee, but we offer the following comments in addition.

### 1. Chalfont

It is good to see that Chalfont is now preserved from total demolition. We would have no objection to the demolition of the later extension. A level 1 photographic survey of the building in its current form would be required as a condition of consent.

### 2. Northern Boundary Wall

With regard to the brick and stone northern boundary wall behind Neuadd Maldwyn it is not clear what level of preservation is offered. In one profile view it appears to be drastically lowered and replaced by railings. The present wall forms the boundary of the Conservation Area and is a distinctive feature of the retail park boundary when viewed from the north. There should be a concerted attempt to preserve this wall in as close to its original form as possible with like-for-like repairs and retention of the coping stones.

### 3. Neuadd Maldwyn Buildings

The proposed conversion is generally sympathetic with retention of much of the key layout and fabric. Where there is some loss at the rear with alterations to the Council Chamber and demolition of the Members Committee Room these elements of the layout should be recorded in detail photographically as a condition of consent.

We would therefore have no objection to the proposals. Further consideration should be given to the retention of the northern boundary wall. The photographic survey condition is supplied below along with guidance on what is required and information on sources of archaeological contractors to complete the photographic survey.

Suggested planning condition to facilitate a photographic survey prior to development:

Development shall not begin until an appropriate photographic survey, (equivalent to an Historic England Level 1 Photographic Survey - Understanding Historic Buildings, May 2016) of the existing buildings has been carried out in accordance with details to be submitted to, and approved by, the Local Planning Authority. The Level 1 photographic survey will be completed by an archaeological contractor. The resulting digital photographs should be forwarded on appropriate digital media to the Local Planning Authority and the Development Control Archaeologist (Clwyd-Powys Archaeological Trust, Coed y Dinas, Welshpool, SY21 8RP. Email: mark.walters@cpat.org.uk Tel: 01938 553670/552045). After approval by the Local Planning Authority, a copy of the photographs should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust, Coed y Dinas, Welshpool, SY21 8RP for inclusion in the regional Historic Environment Record and an appropriate archive location.

Reason: To secure a full photographic record of the original buildings prior to alteration, conversion or demolition.

PCC-(N) Highways

2nd Dec 2020

In response to your consultation on the above the County Council as Highway Authority [HA] for the County Class II classified highway B4381 Severn Road Welshpool have reviewed the application and offer the following comments:

The site fronts Severn Road in Welshpool which provides carriageway width c7.5m and footways of c2.4m (development side) and 2m. Across the frontage of the site is a pedestrian zebra crossing.

Severn Road provides a link between the A483 Trunk Road and the town centre offering connections with the town, railway station and key industrial areas on the east of Welshpool.

The Transport Statement (TS) has analysed trip generation rates for the site using industry recognised TRICS data and concludes that there will be a reduction in traffic levels (para 3.5.2). This is based on data for sites considered to be representative of the current and proposed use. The HA comparison of this data and the general TRICS data is included at Annex A.

The comparator data for existing use shows significantly higher trips than the overall data. This is not unusual in that the comparator data focusses on a much smaller sample of similar and more comparable sites. For the proposed use the reverse applies in that comparator data provides a lower number of trips than if the overall residential TRICS data is used. Given the nature of the development the TRICS standard trip rate is likely to be overstated. Based on the comparison at Annex A it would seem reasonable that there will be no increase in trips and that there will likely be a beneficial reduction.

Access from Severn Road is currently provided by 3 separate access points and there are no proposals to amend these. The width of these is 5.0m, 4.1m and 3.5m (W to E). None of these would be considered sufficiently wide to accommodate unrestricted 2-way vehicle flows. The decision to retain in/out flows as per the existing site layout is therefore welcomed.

Severn Road is within a 30mph speed limit. No speed data has been included with the TS but perceived speeds are considered to be below this. The presence of the pedestrian crossing, junctions and other urban features are likely contributors to lower speeds. Visibility at all 3 points of access is below current standards offering at best 17 metres compared with a recommended 31 metres at 25mph under Manual for Streets. The boundary railings are of a type that do not aid visibility greatly and there are a number of other impediments to visibility. No accident review has been included with the TS to consider if there is a safety issue. Given existing use of the site and the likely reduction in vehicle usage the HA does not consider it appropriate to recommend conditions relating to visibility. We recommend however that the applicant consider incorporating improvements.

The HA notes the direction given by Welsh Government in respect of the emergency access near Chalfont. No comment is offered in this respect as we believe the area to front the Trunk Road which is the responsibility of Welsh Government. Should Welsh Government opinion change we can provide further comment on request.

The application proposes a significant reduction in parking from current site provision. The TS includes an assessment for the proposed development (paras 3.1.2 and 3.4) under the CSSW Parking Standard adopted by the HA. There appears to be a minor discrepancy between parking numbers in the TS and those shown on the drawing submitted with the application (1573 CAW LMA 00 XX DR A 1200 P8). The HA has used

this drawing in its assessment as it believes this is the latest proposed layout.

The HA considers that the development should be assessed under the CSSW Parking Standard as Special Purpose Housing - Self-contained elderly persons dwellings (wardened) as staff will be in attendance at all times. This appears consistent with the TS statement at para 3.4. After application of the Sustainability Criteria and resulting allowance for a reduction in provision, the parking requirement based on the standard is 27. This compares with 26 shown on the drawing although the TS indicates 27 being provided. This is the case if the service vehicle parking is included. The Standard indicates a requirement for 3 motorcycle spaces (none identified in the application) and 8 cycle spaces (6 identified in the application). A breakdown of the HA assessment is provided at Annex B.

Whilst there are minor discrepancies in the parking provisions the site appears capable of accommodating the requirements within the Standard.

It is recommended that consideration be given to application of the following conditions to any consent:

1. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of vehicles in accordance with the requirements of CSS Wales Parking Standards being not less than 27 vehicle parking spaces, 1 service vehicle parking, 3 motorcycle spaces and 8 cycle stands together with turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

Reason: In the interests of highway safety and in accordance with the provisions of LDP policies DM13 and T1. 9.

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

Reason: In the interests of highway safety and in accordance with the provisions of LDP policies DM13 and T1.

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

Reason: In the interests of highway safety and in accordance with the provisions of



Powys LDP Policy DM13 and T1. 10.

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

Reason: In the interests of highway safety and in accordance with the provisions of LDP policies DM13 and T1.

PCC Highways

12 January 2020

In response to your re-consultation on the above the County Council as Highway Authority [HA] for the County Class II classified highway B4381 Severn Road Welshpool have reviewed the additional information with the application and offer the following comments:

The site fronts Severn Road in Welshpool which provides carriageway width c7.5m and footways of c2.4m (development side) and 2m. Across the frontage of the site is a pedestrian zebra crossing.

Severn Road provides a link between the A483 Trunk Road and the town centre offering connections with the town, railway station and key industrial areas on the east of Welshpool.

The Transport Statement (TS) has analysed trip generation rates for the site using industry recognised TRICS data and concludes that there will be a reduction in traffic levels (para 3.5.2). This is based on data for sites considered to be representative of the current and proposed use. The HA comparison of this data and the general TRICS data is included at Annex A.

The comparator data for existing use shows significantly higher trips than the overall data. This is not unusual in that the comparator data focusses on a much smaller sample of similar and more comparable sites. For the proposed use the reverse applies in that comparator data provides a lower number of trips than if the overall residential TRICS data is used. Given the nature of the development the TRICS standard trip rate is likely to be overstated. Based on the comparison at Annex A it would seem reasonable that there will be no increase in trips and that there will likely be a beneficial reduction.

Access from Severn Road is currently provided by 3 separate access points. The width of these is 5.0m, 4.1m and 3.5m (W to E). None of these would be considered sufficiently wide to accommodate unrestricted 2-way vehicle flows. The latest proposal seeks to close the eastern access point. This is not considered detrimental to the operation of the

site.

Severn Road is within a 30mph speed limit. No speed data has been included with the TS but perceived speeds are considered to be below this. The presence of the pedestrian crossing, junctions and other urban features are likely contributors to lower speeds. Visibility at all 3 points of access is below current standards offering at best 17 metres compared with a recommended 31 metres at 25mph under Manual for Streets. The boundary railings are of a type that do not aid visibility greatly and there are a number of other impediments to visibility. No accident review has been included with the TS to consider if there is a safety issue. Given existing use of the site and the likely reduction in vehicle usage the HA does not consider it appropriate to recommend conditions relating to visibility. We recommend however that the applicant consider incorporating improvements.

The HA notes the directions previously given by Welsh Government in respect of the emergency access near Chalfont. No comment is offered in this respect as we believe the area to front the Trunk Road which is the responsibility of Welsh Government. Should Welsh Government opinion change we can provide further comment on request.

The application proposes a significant reduction in parking from current site provision. The TS includes an assessment for the proposed development (paras 3.1.2 and 3.4) under the CSSW Parking Standard adopted by the HA.

The HA considers that the development should be assessed under the CSSW Parking Standard as Special Purpose Housing - Self-contained elderly persons dwellings (wardened) as staff will be in attendance at all times. This appears consistent with the TS statement at para 3.4. The HA previously considered that the Sustainability Criteria could be applied but has subsequently determined that it should not be used in this situation.

The applicant has further clarified the number of staff on site at any one time compared with numbers employed. This clarification results in a lower number of parking spaces being required. The HA assessment of parking requirement based on the CSSW parking standard is included at Annex B. A Care Team of 3 or 4 has been identified in the submission. If the site were considered within a Zone 1 setting it is considered that these would need to be added into the staff assessment. As the site is considered to be in the Zones 2 to 6 category it is considered appropriate to include these within the visitor parking allocation.

The assessment at Annex B indicates a desired parking provision of 38 parking spaces with additional spaces for 2 motorcycles and 8 cycles. The latest proposal (drawing No. 1573 CAWLMA 00 XX DR A 1800 Rev. P3) provides for 27 vehicle, 3 motorcycle and 10 cycle spaces.

The site is located close to the Town centre with 2 public car parks with 600m (Berriew Street) and 625m (Mill Lane) of the development. Severn Road is on a bus route and the railway station is within 380m of the site. The current use of the site as office accommodation with meeting facilities has been known to exceed parking capacity on busy days when larger meetings take place. On these occasions overflow parking has been accommodated within the public car parks which have adequate space. Parking in the streets around the site is well controlled with parking restrictions limiting on-street parking opportunities thus avoiding the potential for overflow parking to cause issues for residents and businesses in the area. The proposed layout continues to provide good circulatory flow within the site thus facilitating the easy drop-off/pick-up of passengers.

The area to the front and side of the building that is being retained as parking and circulatory areas currently provides for around 45 vehicle spaces which could be retained. The proposed reduction in the number of spaces allows for improved ease of access to spaces and removes some from close proximity to the building and in areas of circulatory flow.

The proposed 27 spaces satisfies the requirement for 21 residents and staff parking but only makes allowance for 6 visitor parking spaces, a shortfall of 11 spaces against the desirable number. This is not considered unrealistic given the close proximity to public parking facilities, drop-off/pick-up facilities and informal parking opportunities available within the retained open area. If the Planning Authority considered that the full 38 spaces should be provided it is considered that there is scope to within the site to achieve this and it may be appropriate to condition this provision if approval is given.

It is recommended that consideration be given to application of the following conditions to any consent:

1. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of vehicles in accordance with the requirements of CSS Wales Parking Standards being not less than 38 vehicle parking spaces, 2 motorcycle spaces and 8 cycle stands together with turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

Reason: In the interests of highway safety and in accordance with the provisions of LDP policies DM13 and T1. 9.

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

gradient for as long as the development remains in existence.

Reason: In the interests of highway safety and in accordance with the provisions of LDP policies DM13 and T1.

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

Reason: In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1. 10.

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

Reason: In the interests of highway safety and in accordance with the provisions of LDP policies DM13 and T1.

Cadw

8 September 2020

Thank you for your consultation, I can confirm we have no comments to make.

## **Representations**

Public representations from six persons have been received at the time of writing this report. The letters can be summarised as follows:

- No need locally for the development
- Concern on impact to Grade II listed building adjoining site
- Too Community Estate in appearance- an eyesore
- Too dense of development
- Non-sympathetic design
- Loss of privacy to neighbouring properties
- Increase in traffic
- Scale of development not in keeping
- Materials out of keeping with Neuadd Maldwyn
- Boundary treatment unacceptable
- Impact of Refuse and Recycling Store
- Insufficient Ecological Appraisals
- Balconies not in keeping
- Insufficient parking and highway safety
- Impact of Solar PV Panels
- Strain on Local Resources (Social Services, Hospital etc)

- Discriminative development (elderly only)
- C3 development should provide new Open Space

In addition the Powys Ramblers have commented:

The nearby right of way would not appear to be adversely affected by the proposed development. In the event of permission being granted can the applicant please be informed about the importance of making sure that the footpath is not obstructed during any development works and is kept open throughout.

### Planning History

App Ref	Description	Decision	Date
20/0660/CAC	Redevelopment of former office building and site to provide an extra care facility, which will include 66 no. self-contained 1 & 2 bedroom apartments with supporting facilities. Alterations to Chalfont, and the demolition of the single storey outbuildings.	Application Withdrawn	27th Oct 2020
20/0661/LBC	Redevelopment of former office building and site to provide an extra care facility, which will include 66 no. self-contained 1 & 2 bedroom apartments with supporting facilities. Alterations to Chalfont, and the demolition of the single storey outbuildings.	Pending Consideration	

### Principal Planning Constraints

Conservation Area  
Listed Building  
Scheduled Ancient Monument

### Principal Planning Policies

Policy	Policy Description	Year	Local Plan
TAN24	The Historic Environment		National Policy
DM2	The Natural Environment		Local Development Plan 2011-2026

DM3	Public Open Space	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
DM14	Air Quality Management	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H5	Affordable Housing Contributions	Local Development Plan 2011-2026
SP1	Housing Growth	Local Development Plan 2011-2026
SP3	Affordable Housing Target	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic	Local Development

	Resources and Assets	Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGCON	Conservation Areas	Local Development Plan 2011-2026
SPGRE	Renewable Energy SPG	Local Development Plan 2011-2026
SPGRES	Residential Design Guide	Local Development Plan 2011-2026
PPW	Planning Policy Wales (Edition 10, December 2018)	National Policy
TAN5	Nature Conservation and Planning	National Policy
TAN8	Renewable Energy	National Policy
TAN11	Noise	National Policy
TAN12	Design	National Policy
TAN15	Development and Flood Risk	National Policy
TAN16	Sport, Recreation and Open Space	National Policy
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy

### **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

### **Site Location and Description**

Neuadd Maldwyn is the former Offices for Powys County Council located within the settlement boundaries for Welshpool. The application building itself is Grade II listed with a number of Grade II listed buildings also surrounding the site. The application site in its entirety falls within the Conservation Area for Welshpool.

To the north of the application site is the former market site for Welshpool which now hosts a number of retail and commercial units. To the east is the A483 Trunk Road roundabout, whilst to the south runs the County Highway known as Severn Road. To the west there are then a number of residential and commercial properties known as 1-4 Clive House which are Grade II listed.

Consent is sought for the change of use of the former Neuadd Maldwyn Office building to an Extra-Care Facility which proposes an extension to accommodate the residential units. This includes the use to Chalfont as an ancillary building to the Extra Care Facility and removal of a single storey extension to Chalfont (an existing building within the curtilage of Neuadd Maldwyn).

A listed building consent application (20/0661/LBC) also accompanies this full application which has been referred to the Welsh Ministers for determination in light of the ownership of the building by Powys County Council.

### **Officer Appraisal**

#### Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

#### Use Class

Consent is sought for the erection of a 66 residential unit Extra Care Facility within Welshpool utilising the former Neuadd Maldwyn Council Office building.

Under the Use Classes Order 1987 (as amended) Class C2 (Residential institutions) is



defined as:

- Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses))
- Use as a hospital or nursing home
- Use as a residential school, college or training centre.

"Care" is defined in Article 2 of the Use Classes Order 1987 as:-

*"care" means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment*

Clwyd Alyn Housing Association have identified the need in Welshpool for the development of an independent living 'extra care' development. The scheme will include 66 apartments including a mixture of 1 and 2 bed units, receptionist area, communal restaurant, laundry, social spaces and other supporting facilities including Care Team Offices.

Units will be rented on an individual basis with an element of Care being provided by reason of their age and or disablement.

Given the element of care being provided within the building it is considered that the unit as whole falls within a C2 Use Class. This will form part of the wider considerations of the application as will be addressed below.

### Principle of Development

Planning Policy Wales (PPW) Edition 10 (December 2018) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Wellbeing of Future Generations (Wales) Act 2015 and other key legislation.

"Sustainable development" means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals. Acting in accordance with the sustainable development principle means that a body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Policy H3 of the Local Development Plan (2018) (LDP) seeks to achieve an appropriate range and mix of housing types to meet local needs, in particular the needs of the County's ageing population and decreasing household size including specialist housing needs such as supported accommodation, sheltered housing, care homes, low rise accessible development or bungalows and extra care developments.

It is projected that by 2026 31.3% of Powys' population will be aged over 65.

The LDP therefore recognises the needs of the oldest in the population and the importance of access to services, public transport, and accommodation requirements which must be taken into account. This need has also been identified by Powys County Council Social Services Team and is identified within Powys County Council's Corporate Improvement Plan 2025.

In light of the above and the recognised need for facilities for older people it is therefore considered that this extra care facility fundamentally complies with relevant planning policy.

The LDP strategic policies also seek to ensure that developments are appropriately located and suitable in scale and type. Ensuring developments are appropriately located so that the older population have access to all types of services and public transport which are vital to ensure that they can continue to live independently for longer.

Welshpool is identified as a Town under the LDP. Towns are the principal location for accommodating housing being home to 41% of Powys' population. Towns act as an important service centre providing a range of services, facilities and employment for their own population and their surrounding areas.

The application site is located within the settlement development limit for Welshpool and therefore for the purposes of Policy H1 is considered to provide an extra care facility within an appropriate sustainable location fundamentally complying in principle with relevant planning policy.

### Design and External Appearance

With respect to design and appearance, reference is made to LDP Policy DM13. This policy indicates that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.

The application proposes a three-storey extension with a link to the existing building. The proposed extension is designed in two blocks with a central linking section. Each section is three storey in height and will measure approximately 12 metres to ensure lift access to all floors. The length of the eastern extension measures approximately 38.5 metres whilst the section to the western elevation of the building measures approximately 45.9 metres, both of which measure approximately 18.7 metres in width.

The extension in total with the addition of the link to the existing building measures approximately 90 metres. The extension will be finished with facing brickwork with powder coated aluminium guttering and downpipe with dark grey window and doors. The roof and extension linking sections will be profiled in metal cladded sheeting.

Careful consideration must be given to the overall scale of the extension to be located to the rear of Neuadd Maldwyn. The site is located within the Conservation Area for Welshpool and is located within the grounds of a Grade II listed building and therefore sensitivity to the design is crucial to ensure a well thought out development for not only as an extension to the listed building but also any impact upon the surrounding area.

Neuadd Maldwyn itself is a brick-built building in a Neo-Georgian style. The original building was only a small office block until it was extended significantly firstly in the late 1930s, and then again in 1959. The building has a strong vertical and horizontal emphasis across its frontage through the range of symmetrical pane sashed windows and doorway features.

Following discussions, amendments were made to the overall scheme to ensure that the vertical and horizontal emphasis of the existing building is carried through to the extension. Whilst the design is contemporary it is considered that this provides a positive contrast between the listed building and the new development whilst also retaining some of the existing character of the original building to ensure that the development sits in cohesion together, not imitating, but showing a natural extension to the building through the years.

Whilst it is acknowledged that the extension is large in scale, its positioning set behind the existing building results in approximately only 30 metres of the extension to the side of the building being visible from Severn Road. From then the North of the site whilst the full length of extension would be visible this would be complemented with the modern re-development of the former Market which now hosts a Tesco and various retail unit buildings along with other contemporary designed buildings and thus would not appear to be out of character or appearance with that retail development area.

The height of the proposed extension would sit higher than the existing building which did raise some initial concern over any potential dominance this may have over the listed building and to the surrounding area. Visualisations were produced in support of the application alongside further detailing on the type of solar PV panels to be used. The viewpoints were chosen from Severn Road and within and surrounding the application site. What the visualisations indicate is that given the positioning of the extension to the rear of the building and noting how stepped back it is from those initial reception areas to the building into the site then the proposed extensions would not be seen as dominating the existing building in terms of scale. Alongside therefore the choice in materials for the roof being dark in colour with solar PV Panels which sit flush with the proposed roof plane it is considered that whilst higher than the existing building it would not cause a significant enough of an impact to justify an overall objection to the scheme.

Concerns were raised regarding the balconies proposed throughout the development as this is not a feature known within the Conservation Area for Welshpool. The importance of balconies was raised especially in respect to the current pandemic in which private outdoor space can be argued as more important than ever before. The balconies were amended in scale on some elevations and materials altered to glass to ensure that the visual impact from them is minimised. On balance therefore it is not considered that this design feature could justify a reason of refusal alone and subject to the materials as proposed could be designed to an acceptable level.

In light of the above it is considered that the proposed development fundamentally complies with relevant planning policy and a condition will be recommended to ensure that materials are agreed prior to their first use.

### Built Heritage

Section 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, requires Local Planning Authorities considering applications for planning permission 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.

The application site itself is Grade II listed with a number of other listed buildings being located to the west of the application site. The site falls within the Conservation Area for Welshpool

It is considered that, whilst the design of the proposed extension is contemporary, that it does not detract from the special qualities of Neuadd Maldwyn, a Grade II listed building. Additionally, Chalfont, a curtilage listed building within the grounds proposes the removal of single storey addition to the building. It is not considered that the removal of the extension compromises the material character of that building nor to the setting of the Grade II listed building.

Please note that the listed building consent application (20/0661/LBC), is with Welsh Government for determination. It is therefore considered that the listed building application including works to the curtilage listed building known as Chalfont are subject to separate independent review from the Welsh Government.

However, based on the comments above, it is considered that the proposed development does not harm the Grade II listed building or its setting.

There are other Grade II listed buildings located within the vicinity of the site, including

No's 1-4 Clive Place and their gates, gate piers & boundary walls, but given the location of the extension to these buildings (to their rear) with intervening proposed landscaping between these and the site, it is not considered that these buildings or their settings are harmed.

Consideration has also been given to the Welshpool Conservation Area in which the development is located within. The northern boundary of the application forms the edge of the Conservation Area so the new retail area directly to the north of the application site falls outside of the boundary. Whilst the wall, which currently forms the boundary of the site and forms the boundary of the Conservation Area will be reduced in height the existing headstones will be reused to replicate the wall as current at a lower level to enable a new fence providing a safe perimeter is secured for the site inside this walled boundary. It is therefore considered that the significance of the wall as the boundary to the Conservation Area will be retained, albeit at a lower level.

The key views from within the Conservation Area are from Severn Road. As addressed previously given the location of the proposed extension predominately to the rear of the existing Neuadd Maldwyn building it is not considered that the development would either detract or harm from the special character of the Conservation Area and the extension has been designed to preserve the character of the existing building through a complementary design.

There are several trees which will be removed as part of the development however these as will be addressed further below are of low value. Those which are deemed of high value in terms of biodiversity and amenity value are to be retained and will be secured using conditions.

On balance, it is therefore considered that the re-use of this current unoccupied listed building is the best way to secure its future protection whilst providing a recognised local need for the settlement of Welshpool.

### Highway Safety

Policy T1 and DM13 of the Powys Local Development Plan 2018 state 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.

Access from Severn Road is currently provided by three separate access points. The amended proposal seeks to close the eastern access point; none of the accesses are considered sufficiently wide to accommodate unrestricted 2-way vehicle flow and therefore a one-way system will be operated as per the current use of the site. Based on the evidence provided it would be reasonable to conclude that there will be no increase in trips and that there will likely be a beneficial reduction from the current existing use.

The proposed development will include 27 parking spaces, 3 motorcycle and 10 cycle spaces and a pickup/drop off point within the curtilage of the site. Whilst the building itself will include buggy stores on each floor accessible internally via lifts.

Upon receipt of additional information the Highway Authority noted that there would be 6 staff on the site at any one-time. However, even with the reduced number of staff than previously thought there would be a shortage of parking spaces provision by 11 parking spaces which is the maximum number per standards.

In instances such as this consideration needs to be given to the location of the proposed development. Technical Advice Note 18 confirms this by stating that *“Maximum parking standards should not be applied so rigidly that they become minimum standards. Maximum standards should allow developers the discretion to reduce parking levels.”*

Regard should be given to:

- *public transport accessibility and opportunities or proposals for enhancement;*
- *targets and opportunities for walking and cycling;*
- *objectives for economic development including tourism;*
- *the availability in the general area of safe public on- and off- street parking provision; and*
- *potential for neighbouring or mixed-use developments sharing parking spaces, for example at different times of the day or week.*

TAN 18 goes on to confirm that *“Some car free housing development may be appropriate in locations with good walking, cycling and public transport links and in areas where parking is controlled. On-site cycle and parking provision for those with disabilities will be required if such on-street parking cannot be provided”* (paragraph 4.15)

The site is located close to the Town centre with 2 public car parks within close proximity to the application site (600 metres Berriew Street and 625 metres Mill Lane). Severn Road is on a bus route and the railway station is within 380 metres of the site. Given the restricted nature of Severn Road (double-yellowed) it is not considered that the development could exacerbate any on-street parking within the surrounding area. Additionally, there is walking and cycling opportunities by the way of public footpaths and also the Montgomeryshire Canal towpath which is within 166 metres of the application site.

The Highway Officer notes that the proposed reduction in the number of spaces allows for improved ease of access to spaces and removes some from close proximity to the building and in areas of circulatory flow which is supported.

The Highway Authority have therefore considered that the proposed 27 spaces satisfies the requirement for 21 residents (required by CSSW Parking Standard as a Special

Purpose Housing - Self- contained elderly persons dwellings (wardened) as staff will be in attendance at all times) and staff parking but only makes allowance for 6 visitor parking spaces, a shortfall of 11 spaces against the desirable number.

This is however not considered unrealistic as confirmed by the Highway Officer given the close proximity to public parking facilities, drop-off/pick-up facilities and informal parking opportunities available within the retained open area.

The Highway Authority whilst therefore offering no objection to the scheme as proposed do go on to state that *“If the Planning Authority considered that the full 38 spaces should be provided it is considered that there is scope to within the site to achieve this and it may be appropriate to condition this provision if approval is given.”*

It is noted that the areas in question are currently proposed as amenity land and an area secured for an infiltration system which would therefore be unsuitable for any additional parking provision.

On balance, given the proximity of the development to the Town Centre of Welshpool which boasts numerous public transport options and footpath/ cycle opportunities and the guidance of TAN18 which supports relaxation of parking standards in such places it is considered that in this instance the development as currently proposed is considered to be acceptable. However, this decision is very much on balance and Members may wish to consider the balance between parking provision and amenity land for the proposed development and alternative conditions attached.

In addition to the County Highways, consideration has been given in respect to an emergency access off the A483 Trunk Road roundabout. The Welsh Government (responsible for all Trunk Roads) upon receipt of additional information has confirmed that they have no objection to the amended scheme as received and has recommended a condition to ensure that no drainage is allowed to discharge into the trunk road drainage scheme.

Subject to appropriately worded conditions it is therefore considered on balance that the proposed development can be managed to an acceptable level.

### Biodiversity

With respect to biodiversity, specific reference is made to LDP policy DM2; as such the PCC Ecologist and Natural Resources Wales were consulted with regard to this application.

The Ecologist and Natural Resources Wales reviewed the proposed plans as well as local records of protected and priority species and designated sites.

### *SSSI and SAC*

Two statutory designated sites are located within 500 metres of the proposed

development;

- Montgomery Canal SSSI (approx. 90 metres from the site)
- Montgomery Canal SAC (approx. 90 metres from the site)

Given the proximity of the proposed development to the Montgomery Canal SAC, the potential for the proposed development to impact the Montgomery Canal SAC during the construction and operation phases of the development and the potential for a Likely Significant Effect on the Montgomery Canal SAC and/or its associated features has been considered.

Following consultation with the Powys Ecologist they advise that having reviewed the information provided by the applicant and reviewing OS map and aerial images of the area, it has been determined that the proposed development would not result in a likely significant effect to the Montgomery Canal SAC and/or its associated features. A HRA Assessment has been completed as part of assessment.

No objection has been raised by Powys Ecology or NRW, as such it is considered that the development will not impact on these statutory designated sites.

#### *Arboricultural Impact Assessment*

An Arboricultural Impact Assessment (AIA) of potential impact of the proposed development on trees present on and adjacent to the site has been made in accordance with BS5837:2012. The Arboricultural Impact Assessment, produced by Ascerta, states that six trees (locally native and ornamental species), two groups of ornamental trees and part of a coniferous hedge will be removed to accommodate the development, including the access road.

These trees/hedges were all considered to be of moderate or low value with the exception of one Douglas Fir classed as moderate-high specimen value.

A further seven individual trees, four groups of trees and two hedges are all to be retained within the development, including a Giant Sequoia and a Pinus nigra (considered high value specimens). The retained trees and hedges comprise a mixture of locally native and ornamental species.

A landscaping scheme has been submitted in support of the application providing details of species, location, numbers and site preparation, planting and aftercare specifications for additional planting within the application site. It is considered that the species chosen will enhance the biodiversity present on site through improved habitat areas for birds, small mammals and insects. The trees as identified to be retained within the proposed development have been identified including protective working methods around such trees. The plan has been considered as being in accordance with recommendations for replacement planting proposed in the submitted AIA.



### *Lighting*

It will be necessary to minimise the amount of nocturnal light on the site to avoid adverse impact to nocturnal wildlife, particularly to bats, and to reduce light pollution, in accordance Powys LDP Policies DM2 and DM7.

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).

It is, therefore, recommended that the submission of an External Lighting Design Scheme is secured through an appropriately worded planning condition.

### *Protected Species*

A Preliminary Ecological Appraisal initially supported the application however following comments from NRW and the Powys Ecologist an updated Bat Nocturnal Surveys report dated 02/11/2020 by Ascerta was submitted in support of the application.

NRW and the Powys Ecologist have confirmed that provided all the recommended reasonable avoidance measures and mitigation as identified in section 7 of the bat report are implemented, they do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

With regards to other species the site was considered unsuitable for supporting dormouse and great crested newt due to lack of suitable habitat features, absence of known populations in the vicinity and poor connectivity to the wider landscape.

A condition will be attached any grant of consent ensuring that a Construction Environment Management Plan (CEMP) is submitted and approved by the Local Planning Authority. This will include protection over nesting birds and hedgehogs.

As such, considering the above and the comments received from NRW and the Powys Ecologist it is considered that the development is in accordance with policy DM2 of the Powys LDP, TAN5 and PPW.

### Neighbouring Amenities

Policy DM13 of the LDP seeks to ensure that the amenities enjoyed by the occupants or users of nearby or proposed properties shall not be unacceptably affected by levels of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

Concerns have been raised by public representations and the Town Council on a number of concerns. Whilst it is considered that a majority of the concerns raised have

been addressed above in the principle of development and design sections, the remaining concerns can be addressed as follows:

It is also noted that in addition to concerns raised by local residents, further information was requested by the Environmental Health Officer in respect to noise and odour created from the site from the kitchen areas proposed and also the storage of waste. These will be addressed individually as follows:

### *Noise*

A noise impact assessment was submitted in support of the application which considered noise from any fixed plant as part of the development and also noise associated from the adjoining Tesco supermarket.

For the nearest sensitive receptors (NSRs) and in line with BS4142:2014, the noise assessment has recommended that the cumulative rating level of all plant associated with the development does not exceed the typical background levels at the NSRs.

This means that if the selected plant includes acoustic features such as tonality or intermittency which attract penalties, the corrected rating level will still not exceed the background levels. Based on the data collected from the noise survey, Table 6.1 of the assessment shows the recommended daytime and nighttime plant noise limits respectively.

Subject to an appropriately worded condition it is therefore considered that noise for the occupiers of the development and NSRs can be managed to an acceptable level.

### *Odour*

Residents of the development will use refuse stores located within the proposal building itself. A main refuse store is proposed within the ground floor of the new block, and a further smaller one within the existing building. Refuse will be separated for recycling. In addition, a bin store area has been located along the western boundary of the application site. Concerns to which have been raised from neighbouring residential properties.

The bin store will be enclosed with a 1800mm high close boarded timber fence with washdown/drainage facilities provided within the enclosure to ensure appropriate management of the area. Recycling will be collected weekly.

Subject to the provision of the enclosure and drainage facilities it is considered that any odour from the area can be mitigated and a condition attached to ensure this.

In light of the above the Environmental Health Officer confirmed that they had no objection to the scheme as proposed in accordance with relevant planning policy.

### *Privacy*

Concerns have been raised in respect to the loss of privacy for neighbouring residential properties.

The nearest residential receptors to the application site are those along Clive Place to the western boundary of the application site. Whilst it is acknowledged that the proposed extension will extend closer to the boundaries of the properties there remains approximately 47 metres between either development (window to window).

The Residential Design Guide SPG states that in instances where a proposed window to a lounge, dining room, bedroom or kitchen will directly face a similar window of a neighbouring property the distance between them should be at least 21 metres.

It is acknowledged that the guidance states that in instances where buildings are at different heights, as is this case, then the minimum distances may need to be increased.

It is noted that the distance involved with windows in this instance are more than double the recommended guidance limit as contained within the SPG. Whilst it is noted that the proposed extension will be located within 5 metres of the boundary for No 3 Clive Place or approximately 15 metres for No 4 Clive Place given the orientation of both developments and further to the reduction of scale of balconies along this elevation it is considered that the proposed extension would not dominate or result in a loss of privacy to any residential properties.

### *Open Space*

Concerns have been raised that insufficient public open space is to be provided as part of the development and requests that a contribution is made for the provision of new outdoor play pitch space within Welshpool have been received.

It is noted that the comments specifically relate to the C3 Use Class (dwellinghouse) for the development rather than C2 (residential institution) to which this application seeks consent for.

Fields in Trust provides guidance for Outdoor Sport and Play Facilities within Wales. A glossary has been provided as part of the document which specifically states that it relates to residential uses within a Class C3 of the Town and Country Planning Use Classes Order but excludes specialist forms of housing such as housing aimed at specialist groups (e.g. sheltered housing, student accommodation etc.) or housing not permanently occupied such as holiday homes and those with an element of care.

It is therefore considered that in this instance the provision of outdoor sport and play facilities would not be required in this instance given the specialist nature of the accommodation for older generations. However, it is still believed that it is important to

note that the development itself does provide amenity land around the development which includes proposed new walkways, garden areas and vegetable patches in accordance with Technical Advice 16 (TAN16) which aims to improve the health and well-being of people in Wales, including older people and their access to such space.

It is therefore considered that on this basis an appropriate level of amenity space has been provided in support of the application and the specialised use and no further provision will be required in connection with policy DM3 of the Local Development Plan.

### Scheduled Ancient Monument

The following Scheduled Ancient Monuments (SAMs) have been identified within close proximity to the application site:

- Domen Castell Mound and Bailey Castle MG019 (138 metres north-east)
- Railway Transfer Dock at Welshpool MG254 (70 metres north-east)

It is noted that between either SAM and the proposed development site there are various built development and landscaping. Cadw have been consulted and have confirmed that they have no objection to the scheme in the terms of impact upon the setting of the SAMs. It is therefore considered that any impact would be negligible and therefore offer no objection in this respect.

### Flood Risk

The planning application proposes residential use which is considered to be highly vulnerable development under Technical Advice Note 15. NRW have confirmed that their Flood Risk Map confirms the site to be within Zone A of the Development Advice Map (DAM) contained in TAN15. Zone A is considered to be areas which are “*to be at little or no risk of fluvial or tidal/coastal flooding*”.

NRW have reviewed the Flood Consequence Assessment (FCA) report dated 20/03/2020 by The Alan Johnston Partnership LLP which accompanies the application.

NRW confirm that they support the various mitigation measures recommended to address any residual flood risks, such as sensible adjacent ground recontouring away from the main built development and ensuring internal floor levels are above adjacent ground levels. NRW have recommended that the advice within the FCA should be incorporated within the detailed design to secure its implementation.

A condition will be attached to ensure that any development complies with the FCA report and mitigation as outlined. Subject to an appropriately worded condition it is therefore considered that the risk would be little and would offer no objection to the scheme as proposed.

## **RECOMMENDATION**

In light of the above it is therefore considered that on balance the proposed development fundamentally complies with relevant local and national planning policies. The recommendation to Members 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 CAW LMA 01 XX DR A 2123 P8, CAW LMA 01 XX DR A 2130 P8, CAW LMA 01 XX DR A 2121 P8, CAW LMA 01 XX DR A 2122 P8, CAW LMA 01 XX DR A 2131 P8, CAW LMA 03 XX DR A 9034 P9, CAW LMA 01 02 DR A 2102 P10, CAW LMA 01 01 DR A 2101 P10, CAW LMA 00 XX DR A 2110 P8, CAW LMA 01 RF DR A 2103 P10, CAW LMA 01 XX DR A 2120 P8, CAW LMA 00 XX DR A 1200 P9, CAW LMA 00 XX DR A 1500 P3, CAW LMA 00 XX DR A 1400 P9, CAW LMA 01 00 DR A 2109 P10, CAW LMA 00 XX DR A 1800 P3, CAW LMA XX XX DR A 1810 P3, CAW LMA 00 XX DR A- 1000 P5, CWA LMA 05 XX DR A 1601 P1, Flood Consequence Assessment by The Alan Johnston Partnership LLP dated 20/03/2020 Ref CAW-AJP-ZZ-XX-RP-C-3000.

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

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

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

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

7 No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed access shall be constructed such that the access road does not drain onto the trunk road. Positive

drainage systems will need to be in place to capture any surface water runoff from entering the public highway.

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

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

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

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

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

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

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

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

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

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

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

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

16 Development shall not begin until an appropriate photographic survey, (equivalent to an Historic England Level 1 Photographic Survey - Understanding Historic Buildings, May 2016) of the existing buildings has been carried out in accordance with details to be submitted to, and approved by, the Local Planning Authority. The Level 1 photographic survey will be completed by an archaeological contractor. The resulting digital photographs should be forwarded on appropriate digital media to the Local Planning Authority and the Development Control Archaeologist (Clwyd-Powys Archaeological Trust, Coed y Dinas, Welshpool, SY21 8RP. Email: mark.walters@cpat.org.uk Tel: 01938 553670/552045). After approval by the Local Planning Authority, a copy of the photographs should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust, Coed y Dinas, Welshpool, SY21 8RP for inclusion in the regional Historic Environment Record and an appropriate archive location.

## **Reasons**

1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

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

3 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

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7 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

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

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

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

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

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

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

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

## **Informative Notes**



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

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

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

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

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

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

defined period.

- 4 It should be noted that in addition to planning approval proposed developments require approval from the Sustainable Drainage System Approval Body (SAB), prior to any construction works commencing on site, where there are new developments of more than 1 house or where the area of the project proposals with drainage implications is likely to exceed 100m<sup>2</sup> (including access tracks, areas of hard standing etc.). Standard 5 of the SAB seeks to ensure that, wherever possible the identified SUDs scheme makes the best use of the site to maximise benefits for biodiversity (as well as for amenity, water quantity and water quality). Further information on the requirements of SAB can be found at: <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>
- 5 The developer's attention is also drawn to the legal requirement for all sites to enter into a Section 104 sewer adoption agreement with Hafren Dyfrdwy before any sewer connection can be approved, in line with the implementation Schedule 3 of the Floods and Water Management Act 2010. Full details of this are provided on our website [www.hdcymru.co.uk](http://www.hdcymru.co.uk) under the 'New Site Developments' section.