

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/0159

Grid Ref: 321114.55 243170.44

Community Council: Clyro

Valid Date: 07/03/2017
Officer: Gemma Bufton

Applicant: Powys County Council

Location: Land at Baskerville Hall Hotel, Clyro Court, Clyro, Hereford, HR3 5LE.

Proposal: Full: Construction of a temporary primary school and associated works

Application Type: Application for Full Planning Permission

The reason for Committee determination

This application is submitted by Powys County Council.

Site Location and Description

The application site is located within the community council area for Clyro. The application site is land located to the north-east of Baskerville Hall Hotel which is a grade II* listed building. To the north of the application site is the private access track for the hotel whilst to the east runs the A438 county class I Highway. To the south is agricultural land whilst to the west is a neighbouring residential property which is also a grade II listed building.

Consent is sought for the construction of a temporary primary school and associated works whilst the new school is being built as approved under planning application P/2016/0802. The proposed new temporary school will form 4 porta-cabin style buildings with the provisions of hardstanding areas for play and parking.

Consultee Response

Clyro Community Council-

The majority of Councillors were in favour with one abstaining.

Powys Highways-

The County Council as Highway Authority for the County Class I Highway, A438

Wish the following recommendations/Observations be applied
Recommendations
/Observations

The proposed one way system for all vehicular movements, as detailed on drawing CLY 00 PL (05) 112 Rev. A, is fully supported by the Highway Authority. However, it is not clear how this form of traffic management will be enforced? In addition, the car parking layout and

circulation area as identified on the plan is unclear. We therefore would request that the following conditions be attached to any consent issued.

Prior to the occupation of the temporary school a detailed traffic management plan shall be submitted and approved in writing by the local planning authority. The traffic management plan shall include full details of the means of ensuring a one-way traffic system, as detailed on drawing CLY 00 PL (05) 112 Rev. A, remains in force throughout the occupation of this site for the temporary school.

Prior to the occupation of the school a drawing at a scale not exceeding 1:500 clearly identifying all the parking and circulation areas shall be submitted to and approved in writing by the local planning authority and thereafter retained for the duration of the use of the site as a school. The details shall include swept path drawings for all vehicles that will use the car park and turning areas.

Powys Building Control-

Just to inform you this scheme will require a building regulation application to be submitted.

Wales & West Utilities-

Please find enclosed a copy of the requested plan and our general conditions, for your reference.

Our records show those pipes owned by Wales & West Utilities (WWU) in its role as a Licensed Gas Transporter (GT). Service pipes, valves, syphons, stub connections, etc. may not be shown but their presence should be anticipated. No warranties are therefore given in respect of it. They also provide indications of gas pipes owned by other GTs, or otherwise privately owned, which may be present in this area. This information is not information of WWU and WWU is unable to verify this information or to confirm whether it is accurate or complete.

The plan must be printed in A3 size and will also need to be produced in colour. If this is not possible, we can send you a hard copy if requested.

Welsh Water-

Sewerage

As the applicant intend utilising a cesspit facility we would advise that the applicant seeks the appropriate advice from the Building Regulations Authority or an approved Inspector. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application.

Water Supply

No problems are envisaged with the provision of water supply for this development.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Powys Environmental Health-

In addition the following condition is recommended:

The landscaping and construction period working hours and delivery times to be restricted as follows:

All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

0800 - 1800 hrs Monday to Friday

0800 – 1300 hrs Saturday

At no time on Sunday and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.

Representations

No letters of public representations have been received at the time of writing this report.

Planning History

P/2009/1276- Full: Change of use of land to site for camping, touring caravans and motor homes with new toilet and shower facilities. Conditional Consent.

P/2016/0802- Construction of a new primary school and associated works. Conditional Consent.

Principal Planning Constraints

Class 1 Road

Pipeline buffer

Historic Landscapes Register Outstanding

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)

Technical Advice Note 5- Nature Conservation and Planning (2009)

Technical Advice Note 11- Noise (1997)

Technical Advice Note 12- Design (2016)

Technical Advice Note 18- Transport (2007)

Welsh Office Circular 61/96 – Planning and Historic Environment: Historic Buildings and Conservation Areas

Local Planning Policies

Unitary Development Plan (March 2010)

SP1- Social, Community and Cultural Sustainability
SP3- Natural, Historic and Built Heritage
SP9- Local Community Services and Facilities
GP1- Development Control
GP3- Design and Energy Conservation
GP4 - Highway and Parking Requirements
ENV1- Agricultural Land
ENV2- Safeguarding the Landscape
ENV3- Safeguarding Biodiversity and Natural Habitats
ENV4- Internationally Important Sites
ENV5- Nationally Important Sites
ENV6- Sites of Regional and Local Importance
ENV7- Protected Species
ENV14- Listed Buildings
ENV16- Landscapes, Parks and Gardens of Special Historic Interest
CS5- Educational Developments
DC11- Non-mains Sewage Treatment
DC13- Surface Water Drainage
ENV17 – Ancient Monuments and Archaeological Sites
ENV18 – Development Proposals Affecting Archaeological Sites

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

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.

Principle of Development

Consent is sought under this application for the provision of a temporary primary school. It is noted that Members under planning permission P/2016/0802 recently granted consent for the replacement of Clyro School. In order to facilitate those works a temporary school is required for the duration of the works (2 years).

The proposed application site is located within the open countryside and has therefore been advertised as a departure from the development plan.

Policy CS5 of the Unitary Development Plan for educational development states that the provision of new facilities will be supported where they are located in sustainable locations. It is noted that the application site is located adjacent to the A438 approximately 0.2 miles south of the settlement of Clyro and approximately 210 metres to the south of the existing school site.

Given the nature of the application being temporary for two years whilst the demolition of the existing school and construction of the new primary school is being completed it is considered that the proposed development has been carefully located and suitable information has been submitted to demonstrate that the proposed development is located within a sustainable location.

Design

With respect to design, specific reference is made to UDP policy GP1. The respective policies indicate that development proposals will only be permitted where the design, proportion, scale, materials and fenestration complements or enhances the character and appearance of the surrounding area.

Consent is sought on a temporary basis for the provision of 4 porta-cabin style buildings. It is noted that the proposed buildings are single storey in construction and constructed with plastic coated steel with a composite steel roof.

Whilst it is considered that the buildings are not considered to be of any architectural merit it is however noted that they are for a temporary basis only. It is therefore considered that subject to appropriately worded conditions the proposed development could be managed to acceptable level to ensure that all structures are removed from the site following completion of the new school.

In light of the above and subject to an appropriately worded condition it is therefore considered that the proposed development can be managed to an acceptable level.

Landscape and Visual Impact

The application site is located within an area of outstanding historic Landscapes. Policy ENV16 states that development proposals which would unacceptably adversely affect the character or appearance of the area will be opposed.

It is noted that the application site and the Baskerville Hall is predominately surrounded by mature trees and hedgerows which largely screens the application site from the surrounding area and specifically from the A438 which runs parallel east of the application site. It is considered therefore given the temporary nature of the application and the existing mature landscaping which surrounds the application site that the proposed development fundamentally complies with relevant planning policy and would not be seen as having an unacceptable impact to the character and appearance of the surrounding area.

Highway Authority

A safe access and parking is a fundamental requirement of any development. It is noted that the application site proposes a one- way system which includes entering the site from the access closest to the application site off the A438 and then utilising the private access track to exit the site to an existing access further north of the application site.

The Highway Authority has been consulted and has confirmed that the one way system is fully supported by the Highway Authority. However, they consider that insufficient information has at present been submitted in relation to the enforcement of the one way system and the car parking layout. Whilst in principle the highway authority have supported the proposed development they have therefore recommended a number of conditions are attached to any grant of consent.

Subject to the proposed conditions it is considered that the proposed development can be managed to an acceptable level and therefore fundamentally complying with relevant planning policy.

Built Heritage

It is noted that the application site is located within close proximity to a scheduled ancient monument and listed buildings. These have been identified as the following:

- Scheduled Ancient Monument Clyro Court Chambered Tomb RD203
- Cil-y-Bleiddiau (Former stables and Coach-house to Clyro School) Grade II listed building
- Baskerville Hall Hotel (Formerly known as Clyro Court) Grade II* listed building

The Built Heritage officer has been consulted. Unfortunately, at the time of writing this report no response has been received from the Officer however Members will be updated prior to the meeting via an update report.

Biodiversity

The application is accompanied by an Extended Phase 1 Habitat Survey. The survey concludes that the site itself is of low ecological value with the trees along the western and eastern boundaries considered to provide the most valuable habitat due to their potential to provide connectivity to the wider landscape as well as a potential foraging/ commuting habitat for a number of species.

NRW and the Powys Ecologist have been consulted however at the time of writing this report no responses have been received. Members will be updated via an update with their full responses.

However, taking into consideration the recommendation of the survey to retain the mature trees it is considered that subject to a condition implementing the requirements of the survey that the proposed development can be managed to an acceptable level and therefore fundamentally complying with relevant planning policy.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to 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 (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

RECOMMENDATION

Whilst a departure from the development plans, given the temporary nature of the development it is considered that the application justifies the grant of consent as an exception to normal policies. The recommendation is therefore one of conditional approval.

Conditions

1. The buildings, use and any associated infrastructure shall be removed from the land in its entirety and the land shall be restored to its former condition within 2 years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on (drawing no's:).
3. Prior to the occupation of the temporary school a detailed traffic management plan shall be submitted and approved in writing by the local planning authority. The traffic management plan shall include full details of the means of ensuring a one-way traffic system, as detailed on drawing CLY 00 PL (05) 112 Rev. A, remains in force throughout the occupation of this site for the temporary school.
4. Prior to the occupation of the school a drawing at a scale not exceeding 1:500 clearly identifying all the parking and circulation areas shall be submitted to and approved in writing by the local planning authority and thereafter retained for the duration of the use of the site as a school. The details shall include swept path drawings for all vehicles that will use the car park and turning areas.
5. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:
0800 - 1800 hrs Monday to Friday
0800 - 1300 hrs Saturday
At no time on Sunday and Bank Holidays
Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.
6. Development must be completed in full accordance with Section 10 (recommendations) of the Extended Phase 1 Habitat Survey Produced by Powys County Council and dated January 2017.

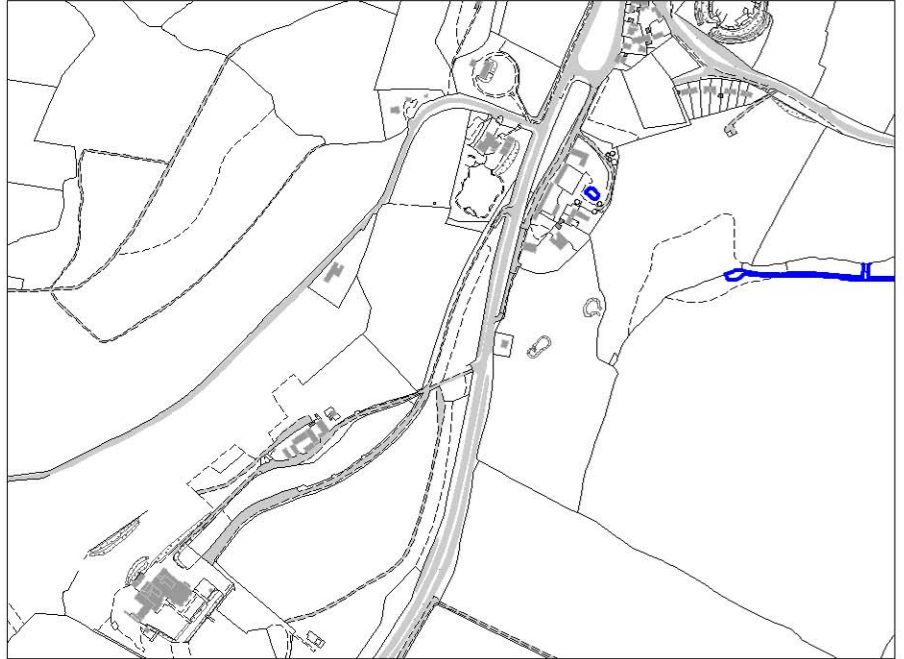
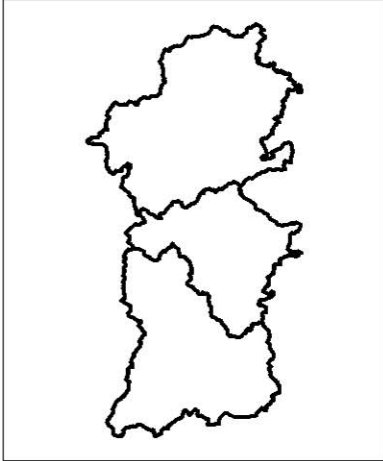
Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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5. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
6. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.

Susan Bolter
Pennaeth Adfywio, Eiddo a Chomisiynu/
Head of Regeneration Property & Commissioning
Adfywio, Eiddo a Chomisiynu/
Regeneration, Property and Commissioning

Applicant: Powys County Council

Location: Land at Baskerville Hall Hotel,
Clyro Court, Clyro



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