

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

<b>Application No:</b>	P/2017/0159	<b>Grid Ref:</b>	321114.55 243170.44
<b>Community Council:</b>	Clyro	<b>Valid Date:</b>	<b>Officer:</b> 07/03/2017 Gemma Bufton
<b>Applicant:</b>	Powys County Council, Spa Road East, County Hall, Llandrindod Wells, Powys, LD1 5LG.		
<b>Location:</b>	Land at Baskerville Hall Hotel, Clyro Court Clyro, Hereford, HR3 5LE.		
<b>Proposal:</b>	Full: Construction of a temporary primary school and associated works		
<b>Application Type:</b>	Application for Full Planning Permission		

**This report forms an update to the previous report circulated to Members.**

### Consultee Response

#### Powys Built Heritage-

Thank you for consulting me on the above application.

I note the proximity of listed buildings to the proposal most notably Clyro Court (Baskerville Hall Hotel) and Cil-y-Bleiddau (Former stables and coach house to Clyro Court), and the potential for the proposal to affect the setting of these important listed buildings.

I note that the application for the new school at Clyro has been determined (P2016/0802) and that the current application is for a temporary school accommodation during the construction works. I note that the time period applied for is for 2 years.

Given that the works are for a temporary period to facilitate the construction of the school and noting the improvements to the school design and grounds that have been afforded under P2016/0802 I would not wish to object to this application.

I would however request that consideration be given to appropriate conditions to restore the land once the temporary school units have been removed.

#### Cadw-

Thank you for your email of 30 March 2017 inviting our comments on the planning application for the proposed development as described above.

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on

the outstanding universal value of a World Heritage Site. It is a matter for the local planning authority to then weigh our assessment against all the other material considerations in determining whether to approve planning permission, including any issues concerned with listed buildings and conservation areas.

The proposed development is located within the vicinity of the scheduled monuments known as:

RD066 Clyro Castle  
RD124 Gaer Roman Fort  
RD203 Clyro Court chambered tomb

The entrance to the proposed development is located some 60m southwest of scheduled monument RD203 Clyro Court chambered tomb, but the built elements will be some 330m away. The monument comprises the remains of a chambered tomb, dating to the Neolithic period (c. 4,400 BC - 2,900 BC) and is situated within improved pasture, on the leading edge of a substantial and prominent S-facing riverine terrace. The grass-covered stony cairn is oval on plan and measures about 32m from NE to SW by up to 16.5m transversely and up to 0.7m in height. The remains of the chamber are visible in the SW end, comprising five earthfast orthostats, and the largest of which measures 1.8m in length and 0.3m in thickness. Chambered tombs are thought to have been located in positions where they could be seen from, and allow views to, contemporary settlements, other funerary monuments and natural features. In this case, given the surrounding topography, such links would be to the southeast, south and southwest to the River Wye and the side of the valley where modern Hay on Wye is situated. The proposed development is not located in one of these identified significant views, but theoretically it could be visible in the background of views to the chambered tomb. However, views to the school site are blocked by extant vegetation, consequently in our opinion there will be no impact on the setting of Clyro Court chambered tomb RD203.

The proposed development is located some 530m south of scheduled monument Clyro Castle RD066 and 1.4km west-south-west of scheduled monument Gaer Roman Fort RD124. However intervening topography and vegetation block the views between the development and the scheduled monuments. Consequently the proposed development will not have any impact on the settings of scheduled monuments Clyro Castle RD066 and Gaer Roman Fort RD124.

#### Powys Highways-

I'm happy for this condition to be added, it will buy them some time to find a solution.

#### National Resources Wales-

Thank you for consulting Natural Resources Wales regarding the above proposal that we received on 9<sup>th</sup> March 2017. We have previously responded to consultations on the demolition of the existing school DEM/2016/0007 (CAS-24035-Y3W4 -13/10/2016) and the construction of the new primary school P/2016/0802 (CAS-21936-R5S8 -24/08/2016) at a location approximately 225 metres away.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

#### Summary of Conditions

Condition 1: A wildlife sensitive lighting scheme should be adopted as described in the Extended Phase 1 Habitat Survey, section 10.2.

Condition 2: A scheme of Reasonable Avoidance Measures (RAMs) should be adopted for Great crested newts as follows; Prior to works commencing, the land on and surrounding the main site footprint will be continually kept clear of long vegetation, objects and other materials in the months leading up to the development.

#### European Protected Species (EPS)

Condition 1: A wildlife sensitive lighting scheme should be adopted as described in the Extended Phase 1 Habitat Survey, section 10.2.

Condition 2: A scheme of Reasonable Avoidance Measures (RAMs) should be adopted for Great crested newts as follows; Prior to works commencing, the land on and surrounding the main site footprint will be continually kept clear of long vegetation, objects and other materials in the months leading up to the development.

We have considered the Extended Phase 1 Habitat Survey (dated 26<sup>th</sup> January 2017) by Rachel Probert of Powys County Council and we agree with the findings and conclusions. We consider it unlikely any EPS will be affected by the proposal provided that RAMs are applied and a wildlife sensitive lighting scheme is adopted.

#### Ground Conditions

We have reviewed the Phase II Ground Investigation and test report for the construction of modular buildings at Clyro Court dated 6<sup>th</sup> February 2017 Ref: DNB/25504. We have no concerns on the ground conditions and no further comments.

#### Flood Risk

We confirm that the temporary school would be located outside of the River Wye floodplain.

#### Foul Drainage

We note that the applicant intends to use a cess pit for sewerage. Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. The cesspool must be sealed and watertight and fitted with a level warning device to indicate when the tank needs emptying. The contents of the cesspool shall be taken to an identified sewage treatment works for full biological treatment. The cesspool must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should have regard to the Welsh Office Circular 10/99 in respect of planning requirements for non-mains sewerage. The applicant must obtain any necessary permit prior to any works starting on site.

## Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website:

(<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>)\_We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

## Principal Planning Constraints

Class 1 Road

Pipeline buffer

Historic Landscapes Register

## 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

Technical Advice Note 23 - Economic Development (2014)

Welsh Office Circular 60/96: Planning and the Historic Environment: Archaeology

### 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.

### Highway Safety

Since the Officer's previous report further discussions have been ongoing with the applicants and the owners of Baskerville Hall Hotel. The owners have expressed concern over the proposed one way system.

Given that the roads are of sufficient width to allow for two way traffic it is therefore requested that an alternative scheme is considered other than the previously sought one-way system. Discussions have been held with the Highway Authority who has confirmed that in principle they have no objection to the proposed development and that subject to a suitably worded condition being attached to any grant of consent they would have no objection to the proposed development.

It is therefore considered that subject to a traffic management scheme being submitted to and approved in writing prior to the commencement of any development/use of the site that the proposed development can therefore be managed to an acceptable level.

### 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
- Scheduled Ancient Monument RD066 Clyro Castle

## - Scheduled Ancient Monument RD124 Gaer Roman Fort

The Built Heritage officer has noted the proximity of the listed buildings and the potential for the proposal to affect the setting of these important listed buildings. The Officer has concluded that given the works are for a temporary period to facilitate the construction of the school and noting the improvement to the school design and grounds that have been afforded under planning application P/2016/0802 they have no objection to the proposed application.

Furthermore, Cadw have also been consulted and have confirmed that given the intervening topography and vegetation the majority of the views between the development and the scheduled monuments would be blocked and therefore Cadw have confirmed that they do not consider that the proposed development would have any impact on the settings of the scheduled ancient monuments.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

### Biodiversity

At the time of writing the previous report no comments had been received from NRW. Comments have now been received which confirm that in principle they have no objection to the proposed development subject to conditions being attached which secure the recommendations as identified within the Extended Phase 1 Habitat Survey.

It is noted that a condition was already previously attached to the previous recommendation to secure that works are completed in accordance with the survey as submitted in support of the application.

It is therefore considered that subject to the proposed condition the proposed development can be managed to an acceptable level and therefore fundamentally complying with relevant planning policy.

## **RECOMMENDATION**

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy. Whilst a departure from the development plans, in this instance 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 subject to the conditions as listed below within the updated report.

### **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 XXX (drawing no's: CLY 00 PL (05)112, CLY00 PL A (05)111, CAM OO OO GA C 601, AVO-14-CLYRO, AVO-13-CLYRO, AVO-15-CLYRO, AVO-16-CLYRO, AVO-01-CLYRO, AVO-000-01, AVO-07-3-CLYR).

3. Prior to the first use of the application site a Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall thereafter be implemented as approved prior to the first beneficial use of the site.

4. 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.

5. 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.

4. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.

5. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.

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Case Officer: Gemma Bufton- Principal Planning Officer  
Tel: 01597 827505 E-mail: [gemma.bufton1@powys.gov.uk](mailto:gemma.bufton1@powys.gov.uk)