

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

**Application No:** P/2017/1074      **Grid Ref:** 277217.96 209933.05  
**Community Council:** Ystradgynlais      **Valid Date:** 20/09/2017      **Officer:** Lorraine Jenkin

**Applicant:** Powys County Council

**Location:** Ysgol Gymraeg, Dyffryn y Glowyr, Gurnos, Swansea, POWYS

**Proposal:** Full - Installation of a refurbished de-mountable classroom in the school grounds

**Application Type:** Application for Full Planning Permission

### The reason for Committee determination

Applicant is Powys County Council

### Site Location and Description

Dyffryn y Glowyr is a new Welsh language school built within large grounds in the south of the village of Lower Cwmtwrch. The main building is in the centre of the site, with a large parking area to the south (front) and playing fields to the north (rear). Beyond the playing fields to the rear the ground rises and on this rise is a residential area. To the west of the site beyond some existing trees is a sloping area used by the school as an informal nature area.

This application is for the installation of a de-mountable classroom within the school grounds, to the rear and west of the building. The classroom will be 9.1 metres in length and 8.4 metres wide and will be 3.4 metres in height. The classroom will be accessed from a metalled path leading from the existing hard surfaced area at the rear of the school, and will be connected to the existing sewage system.

The classroom will be finished in cedar cladding, with cedar cladding doors (half-glazed) and black framed windows. There will be a timber ramp accessing the classroom with a timber handrail. The roof will be flat and finished with a EPDM membrane.

### Consultee Response

Ystradgynlais CC

No response received at the time of writing the report.

PCC Highways  
5<sup>th</sup> October, 2017

Does not wish to comment on the application.

Wales and West Utilities

26<sup>th</sup> September, 2017

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales and West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc. are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales and West Utilities, its agents or servants for any error or omission.

Wales and West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

You must not build over any of our plant or enclose our apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

If you have any queries please contact on who will be happy to assist you.

PCC Ecologist

First Response

10<sup>th</sup> November, 2017

Thank you for consulting me with regards to planning application P/2017/1074 which concerns a full planning application for installation of a refurbished de-mountable classroom in the school grounds at Ysgol Gymraeg Dyffryn y Glowyr Gurnos Swansea.

I have reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 1611 records of protected and priority species within 500m of the proposed development – no records were for the site itself.

There are no statutory designated sites within 500m of the proposed developments.

There are two non-statutory designated sites within 500m of the proposed developments:

- Local Wildlife Trust Reserve – Cae Lynden
- SINC - Pentwyn Grasslands

Having reviewed the location and nature of the proposed development in relation to the designated sites it is considered that the proposed development would not result in a negative impact to the designated sites or their associated features.

With regards to protected and priority species identified as present in the local area by the data search it is not considered likely that the proposed development would result in negative impacts to these species and no surveys are considered necessary.

Reviewing on site photographs the habitats affected by the proposed developments is an area of amenity grass – which is habitats considered to be of low ecological value.

However, I do note that there are a number trees on the western boundary. Given that excavation work will be required to be undertaken in close proximity to the trees it is considered prudent to require information from the applicant as to how these features biodiversity importance for wildlife will be protected during the construction period of works.

The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

‘Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows’

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – ‘Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value’. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi. Where impacts to hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

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

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council’s UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

Second Response

22<sup>nd</sup> November, 2017

Thank you for consulting me with regards to the additional information submitted in relation to planning applications P/2017/1074.

The additional information submitted has been provided in response to a request for a Tree and hedgerow protection plan given the proximity of the developments and construction works to trees on the development site.

Having reviewed the submitted Tree and Hedgerow Protection Plan submitted– the plan is considered to be appropriate and acceptable.

In addition to my previous response sent 10<sup>th</sup> November 2017 - should you be minded to approve the application I recommend inclusion of the following conditions:

The Tree and Hedgerow Protection Plan produced dated the 15/11/2017 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

Cllr Sandra Davies  
26<sup>th</sup> September, 2017

I welcome the application.

### **Representations**

None received at the time of writing the report.

### **Planning History**

P/2010/1430 - Construction of a new primary school with associated landscape and highway works as part of the Maesydderwen Catchment School Modernisation Programme  
P/2012/0756 – Variation of Condition 2 of P/2010/1430 to enable development to be carried out in accordance with additional and amended plans submitted 26th June 2012

### **Principal Planning Constraints**

Flood Zone B

### **Principal Planning Policies**

#### National planning policy

Planning Policy Wales (Edition 9 2016)  
Technical Advice Note 15 - Development and Flood Risk (2004)

#### Local planning policies

SP1 – Social, Community and Cultural Sustainability.  
SP9 – Local Community Services and Facilities  
SP14 – Development in Flood Risk Areas  
GP1 – Development Control  
GP5 – Welsh Language and Culture  
DC1 - Access by Disabled Persons  
HP4 - Settlement Development Boundaries and Capacities  
CS5 – Educational Developments

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

UDP policy CS5 states that proposals for the extension or improvement of existing schools will be supported where located in accordance with the sustainable strategic settlement hierarchy. The school site sits within the development limits of Lower Cwmtwrch / Ystradgynlais. The principal of the proposed development is considered to therefore be acceptable.

### Design

With regard to the design of the classroom, this is a typical mobile classroom design. The use of cedar cladding will soften the appearance of the classroom and help it to blend into the scrubby woodland area to the west of the site.

The size and scale of the classroom is small in scale when compared to the large school building and its associated works. The location of the classroom to the rear of the school ensures that the classroom will not have an adverse impact on either the school or when looking into the school from the residential dwellings to the rear of the site.

The location of the classroom within the wider school site is in a discreet corner of the grounds, as near to the school as is possible whilst allowing the school to function around it.

It is therefore considered that this application is acceptable in terms of its design and aesthetic criteria and so is in accordance with the policy framework, in particular UDP policy GP1.

### Impact on neighbouring dwellings

The school is surrounded by residential dwellings on three sides, but the site of the proposed will only be visible from the rear of the dwellings to the north of the school site and for a few to the east, due to topography and the presence of the school building. The closest dwellings will be just over 70 metres between the rear elevations.

The proposed classroom will be a small addition in comparison to the size of the existing school and the impact of its occupants. The door will face the east, and although no response was received from Environmental Health, it is not considered that noise nuisance will be an issue to residential dwellings at that distance.

Considering the above and also the scale of the proposed building within the larger school site, it is considered that the proposal will not unacceptably adversely affect the neighbouring residential dwellings and therefore it is considered that this proposal is acceptable within the policy context and in particular GP1.

### Ecology

With regard to the ecology, the site itself is currently close-mown grass. However, adjoining the site is the school's informal nature area and it is screened from the playing field by a number of scrubby trees. The Ecologist asked for further details to be submitted.

A detailed Tree and Hedgerow Protection Plan was submitted and the Ecologist stated that they were content with the submitted information and removed the requirement for a condition relating to the submission of further information. A condition has been requested to ensure that development is carried out in accordance with the Protection Plan.

It is therefore considered that, subject to these conditions, the proposal is acceptable within the policy remit, in particular UDP policy ENV3.

### Flooding

Policy SP14 states that highly vulnerable development will not be permitted in a C2 flood zone. Following scrutiny of the Development Advice maps, it is clear that whilst the proposed development would be classed as highly vulnerable it lied wholly outside the C2 flood zone.

The site does lie within Zone B, which is defined as an area which has been known to flood in the past, however this does not prohibit development.

As such it is considered that the proposed development fundamentally complies wioth UDP Policy SP14 and TAN 15.

### **Other Legislative Considerations**

#### 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**

In light of the above the proposed development is considered to be in accordance with the relevant planning policies and is therefore recommended for approval subject to the conditions outlined below.

### **Conditions:**

- 1.The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.

2.The development shall be carried out strictly in accordance with the plans stamped as approved on XXXX (drawing no's:4001-7-05, 4001-7-04, 4001-7-02, 4001-7-03, Tree and Hedgerow Protection Plan dated 15<sup>th</sup> November, 2017).

3. The Tree and Hedgerow Protection Plan produced dated the 15/11/2017 shall be adhered to and implemented in full and maintained thereafter.

### 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. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

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