

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2018/0627	Grid Ref:	310907.19 273407.47
Community Council:	Llanbister	Valid Date:	Officer: 19/06/2018 Sara Robinson
Applicant:	Powys County Council		
Location:	Land Adjacent to Llanbister County Primary School, Llanbister, Llandrindod Wells, Powys, LD1 6TN		
Proposal:	Full: Change of use of agricultural land to playing field and erection of fencing		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The applicant is Powys County Council.

Site Location and Description

The site concerns Llanbister County Primary School. The site is accessed off the classified highway B4356. The application site concerns the north east of the school. To the northwest of the site is agricultural land whilst to the east, south and south west are residential dwellings and Llanbister County Primary School to the west.

This application seeks full planning consent for the change of use of agricultural land to playing field and erection of fencing. The area subject to the change of use measures approximately 72 metres in length and 25.5 metres in width. The proposed fencing will measure approximately 1.77 metres in height and will be constructed from green plastic coated weld mesh and posts.

Consultee Response

Llanbister Community Council

With reference to the above planning application I wish to offer the official response of Llanbister Community Council following it's monthly meeting on 12th July 2018.

Llanbister Community Council support the application. We believe that such a playing field would be good for the children with improved health and wellbeing. The numbers of children are set to increase also in the next 18 - 24 months and the additional recreational area will accommodate these increased numbers. The current arrangement would not be so accommodating.

In addition the playing field would be an asset to the community if other groups were allowed to use it. This would carry the proviso that any additional use outside of school hours would not negatively impact on the surrounding houses and their occupants.

We do have some concerns however:

1. Who would maintain the playing field and the strip of land that separates it from the nearby houses.
2. There is a sewerage drain situated close to the playing field (More specifically where the boundary fence will be). The drain serves properties that are situated above the residential area directly affected by the field. If there is any damage to the drain there could be an adverse health impact on the children using the field

We would be grateful for your consideration of our concerns and perhaps provide some response to these matters

PCC - Building Control

No comments were received at the time of writing this report.

PCC - Highways

The County Council as Highway Authority for the County Class II Highway, B4356

Does not wish to comment on the application

PCC Contaminated Land

In relation to planning application P/2018/0627, the following advice is provided for the consideration of Development Control.

Advice

1. The application proposal involves the conversion of agricultural land to a playing field. Agricultural land could contain potential sources of contamination depending on what they were used for in the past such as: pesticides, fuels and oils, slurry tanks and pits, fire sites, animal burial pits or other buried waste, fertiliser, sheep dip pits, asbestos, old machinery, waste chemical drums and ammunition.

Furthermore, records identify that the application site adjoins the location of a historic pollution incident (heating oil spill).

2. Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government document 'Planning Policy Wales' (2016) states: "responsibility for determining the extent and effects of instability or other risks remains that of the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners".
3. In respect of contaminated land paragraph 5.55, of the Welsh Government (WG) circular 'The Use of Planning Conditions for Development Management' (ref: WGC 016/2014), states that: "Conditions might also be imposed requiring the developer to draw to the

attention of the planning authority the presence of significant unsuspected contamination encountered during redevelopment”.

Furthermore, in paragraph 5.56 of the WG circular (ref: WGC 016/2014) it is states: “The level of work required must be proportionate to the problems that are envisaged and the more onerous conditions should not be imposed as a matter of course”.

4. Based on the available information and current planning guidance, it is recommended that the following Condition and Note, to the applicant, are attached to any permission granted for planning application P/2018/0627:

Unsuspected Contamination

In the event that the presence of unsuspected contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority.

Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy ____ of the adopted Local Plan (date)].

Note to Applicant

Potential Contamination

The Council’s guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

Cllr Rachel Powell

I am writing as the County Councillor for Beguildy ward, the LEA Governor to Llanbister School, a community member and member of Teme Ithon Action Group, as well as a parent of three lively boys who attend Llanbister school.

Llanbister CP School is a rural school, set within the furthest northern point of the County of Radnorshire. By demographics alone, it is nestled into a sparse area, predominantly linked with agriculture and the countryside. It is ironic therefore, that the local school has limited ‘green’ space, considering the landscape of open fields and common land. I wish to write to confirm my absolute support for this change of use to extend the school playing area, as I believe the benefits, significantly outweigh any negatives for our children and community.

Evidenced based public health literature, has for many years, identified the valuable benefits for young children and indeed adults, in accessing regular outdoor play related activities. This

can be further evidenced with current educational initiatives such as the 'daily mile' that encourages physical activity prior to learning and has been shown to improve concentration levels, enhance health and improve educational attainment. The green area would, provide a safe place to run and play, with minimal injuries of scuffed knees and bruises, that are a regular occurrence within my house-hold, especially with the recent profile of the FIFA World cup, whereby all little boys and girls, want to be 'Harry Kane'.

Public health research denotes how play, within an outdoor space, encourages social interaction for children, enhancing well-being, both physical and psychological. It also allows, the ability for quiet time, which we know is essential in creating resilience for young people to safeguard their mental health. As well as environmental benefits, there are sensory benefits too which compliments their learning and offers variable styles of teaching for staff, such as looking at nature and its seasonal traits.

However, more importantly, I must raise the voice of Llanbister children, of which it will impact. I have had a remarkable interest from the children, who regularly enquire, whenever they see me, at when their 'green space' is going to happen. A 6 year old, who seemed to be the regular 'goalie' said it would 'help save more goals as the tarmac was a little hard to fall on sometimes'.

With the United Nations Childrens Rights Charter, recently signed by the Council, as well as the Future Generations Act (2015), the voice of the child, should within this environment, be valued and recognised within any form of decision making that will affect them.

'The Unfrozen Moment – Delivering A Green Brexit' by the secretary of state Michael Gove (July 2017) sets the vision on the future of our natural environment. He recognises the 'commitment of young people' as well as 'an historic opportunity to review land use', but most importantly, he states, that we need to be 'encouraging imaginative and environmentally enriching alternatives'.

In view to this application, I can see no better 'environmentally enriching alternative' than the enhancement to children's lives within their learning and play. Indeed, how else will children learn the art of 'whistle with a blade of grass?'.

To conclude, I fully support this planning application in view to the proposed change of use.

Representations

A site notice was erected on the school fence adjacent to the site of the proposed site. The site notice was erected on the 06/07/2018 for the period of 21 days.

Following the display of a site notice eight representations of support were received and two representations of objection were received at the time of writing this report and are summarised as follows;

Support

- The chance of an additional green grass play area is essential for the Health and Well Being of the children, especially as the school numbers are predicted to be 60 by September 2019.
- Although the school now continues to thrive and grow, a green space is sadly lacking. Playtime is a very important part of the childrens' school day, a sports/playing field space is number 1 on their wishlist. Obviously children need as much space as possible to run around and a more natural "green" field environment would be great for their wellbeing.
- I know this additional play area will be a great new addition for the growing number of children who attend the school, allowing them green space for a play area, exercise and sporting activities - essential for both their health and wellbeing.
- While they have a nice tarmacked outdoor area, it is no substitute for a proper grass playing field for children to run around on during breaks and for use during exercise periods. The front garden at the school is also lovely and the teachers have put so much effort into enriching the area, but again it is too small for the school as it is and will only become more so with growing pupil numbers.
The children need and deserve to have a good sized grass area to fully benefit from outdoor learning opportunities, and to have the option of doing exercise classes on the grass rather than tarmac or in the village hall. A proper green space would also give the school the option to have sports day on the school site rather than having to bus all the children and resources out to a local farmers field. The children absolutely love sports day it would be so much easier for everyone if it could be held at the school site rather than in the middle of a field a good mile away from the school.
- The acquisition of the lease to use the field is potentially a great step forward in the schools provision, not only in health and well being, space to play , space for PE and games but also in the wider curriculum. Our outdoor learning provision will be enhanced through the study of different environments and habitats, forest school activities and opportunities to share the space with other groups in the community.
- In continuing to support the school and its progression as a local primary school a green space would provide a place for our children and their education to flourish. There will room to play on grass both recreationally and for sporting activities.
- The School will benefit greatly from the addition of a playing field, with the opportunity and range of outdoor play available increasing. I look forward to seeing our children enjoy the outdoor space.
- My children attend the school and long for some grass to play on, I think this will prove to be a very valuable space for the children. The school is going from strength to strength and this will only enhance that.

Objection

- The view from my garden would be severely impacted by the plans to erect a 1.8 Mt chain link fence across the whole field and within my field of vision. I have recently purchased this property and my overriding reason for doing so was the location and

the uninterrupted view from the garden. As such, I would not have gone ahead with the purchase had the proposed fence been in place when viewing it. The cynic in me could be forgiven for concluding that the proposed use as a school field is an attempt to ease the Change of Use application process, by initially converting the land from agricultural usage to a school playing field, making it more palatable to the local authority when applying for residential use in the future.

- One of the main reasons for buying this house were the views and seclusion. Obviously we knew of the school being 4-5 properties away and did not have an issue with that, but having a playing field with high fencing the other side of our hedge is something we were not expecting, especially in the future it progressed to maybe, public use, parties etc, or even a building. Upkeep would also be an issue, as the green land at the front of the school can be hit and miss, maintenance wise. If this should go ahead, there must be strict rules adhered to.

Planning History

No history

Principal Planning Constraints

Adjacent to right of way

Principal Planning Policies

National planning policy

Planning Policy Wales (9th edition, November 2016)

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

Technical Advice Note 12 – Design (2016)

Technical Advice Note 16 – Sport Recreation and Open Space (2009)

Technical Advice Note 18 - Transport (2007)

Local planning policies

SP5 – Settlement Hierarchy

SP6 – Distribution of Growth across the Settlement Hierarchy

DM1 – Planning Obligations

DM2 – The Natural Environment

DM10 – Contaminated and Unstable Land

DM11 – Protection of Existing Community Facilities and Services

DM13 – Design and Resources

T1 – Travel, Traffic and Transport Infrastructure

TD3 – Montgomery Canal and Associated Development

C1 – Community Facilities and Indoor Recreation Facilities

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

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

The existing school is located adjacent to the built area of Llanbister. Policy C1 confirms that development proposals for community or indoor recreation facilities will be permitted where;

1. Proposals are within or adjoining a settlement identified in the strategic settlement hierarchy;
2. No suitable facility exists nearby which could appropriately accommodate the proposed use; and
3. The appropriateness and feasibility of multi-use has been considered.

Consent is sought for the change of use of land to form an extension to an existing school to provide suitable additional facilities required for the needs of the school.

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

Design and External Appearance

The proposed fencing will measure approximately 1.77 metres in height and will be constructed from green plastic coated weld mesh and posts. It is considered that the use of green fencing will help to assimilate the fencing into its surroundings to reduce its visual impact and therefore it is not considered to have an unacceptable impact on the character and appearance of the area.

Agricultural Land Classification

Following consideration of information supplied by Welsh Government through the Provision of Agricultural Land Classification due regard has been given to the classification afforded to the application site. The site in question has been indicated as category 3b agricultural land.

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. PPW states that;

“In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.”

In light of the lands classification of category 3b it is considered that the proposed development on this agricultural land is justified.

Highway Safety and Movement

LDP policies DM13 part 11 and T1 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The access will remain the same and no alterations are proposed to the parking provision. It is considered that the proposal will not increase vehicle movements in the area. The Highways Authority has been consulted and has raised no objection in relation to the proposal.

In light of the comments received it is considered that the proposal is in accordance with planning policy, particularly LDP policy DM13 part 11 T1 and Technical Advice Note 18: Transport.

Impact upon neighbour amenities

LDP Policy DM13 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

Concerns have been raised from a neighbouring residential property regarding the loss of view from their property as a result of the proposed development. Unfortunately, loss of a view is not a material planning consideration and therefore little weight will be given to this aspect of the concerns raised. However further consideration has been given to the potential loss of light and impact on privacy to neighbouring residential properties.

It is considered that the proposed change of use of land will not unacceptably impact the neighbouring dwellings all of which back onto the proposed site. It is considered that there

are mature hedgerows located to the south and east of the site which will help to provide privacy to some of the neighbouring dwellings.

It is also further considered the fence as proposed would not have a detrimental impact upon the neighbouring residential properties as it would not be seen as having an unacceptable impact to light afforded to the neighbouring dwellings.

It is considered that the proposed extension would therefore not have an unacceptable impact affecting the amenities enjoyed by occupants of existing residential properties in accordance with LDP Policy DM13 and the Council's Residential Design Guide.

Contaminated Land

LDP policy DM10 states that development proposals on contaminated or unstable land will be permitted where they do not:

1. Result in any additional problems of ground instability or contamination either on or off site and shall remediate the contamination / instability.
2. Unacceptably adversely affect public health and safety, nature conservation, historic or archaeological interests.

The Contaminated Land Officer has commented as the proposal involves the conversion of agricultural land to a playing field. Agricultural land could contain potential sources of contamination depending on what they were used for in the past such as: pesticides, fuels and oils, slurry tanks and pits, fire sites, animal burial pits or other buried waste, fertiliser, sheep dip pits, asbestos, old machinery, waste chemical drums and ammunition. The Contaminated Land Officer has stated that records identify that the application site adjoins the location of a historic pollution incident (heating oil spill).

In light of the above the Contaminated Land Officer has requested the inclusion of appropriately worded conditions to ensure that in the event that the presence of unsuspected contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. The condition also states that an investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Another condition has been suggested to ensure the following completion of the remedial works identified in the approved remediation scheme, a verification report is to be submitted and agreed by the Local Planning Authority.

In light of the above and subject to the inclusion of the recommended conditions it is considered that the proposal is in accordance with planning policy, particularly LDP policy DM10.

RECOMMENDATION

It is considered that the proposal complies with planning policy. The recommendation is one of conditional consent.

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 (drawing no's: Option 4 (Block Plan), 2717/M01/001).
3. In the event that the presence of unsuspected contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.

Reasons

1. Required to be imposed by section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans approved by the Local Planning Authority in the interests of clarity and a satisfactory development.
3. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the adopted Local Development Plan (2018).

Informative Notes

A Building regulations application may be required for this development, please contact Building Regulations on 01874 612290.

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