

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.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com. Please quote our reference number in all communications and correspondence.

PCC - Countryside Services

Thank you for the opportunity to comment on this planning application.

The route of footpath LB595 is adjacent to the proposed development area, and on the plans there is a proposal for a new 1.2m pedestrian gate, this will need to be authorised by the Rights of Way department of Powys County Council (PCC), prior to its installation.

It should also be noted that by fencing in this section, that it is likely to become overgrown over time, and Rights of Way, would request that the school carry out seasonal cutting of the vegetation to ensure that the footpath remains available for the public to use.

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.

Countryside Services therefore has no objections to the proposed application at this time, subject to the guidance information detailed above.

Representations

Following the display of a site notice on the 06/07/2018 for the period of 21 days, an additional three letters of support and additional two letters of objection have been received and are summarised as follows;

Support

- I would like to register my support for the planning application for the Green Space at Llanbister School I feel it will be hugely beneficial to the school and its pupils by providing a much needed natural outside learning environment.
- Llanbister School is a growing and thriving school and the addition of a green play space will allow the teaching team to greatly enhance curriculum and playtime provision and contribute to the wellbeing of our future generations of young Powys citizens.

- We currently have a very small garden at the front of the school and a concrete playground to the side and rear. The lack of grass and green space means that our children are missing out on so much.
- Many sports are out of the question as they are unsuitable to play on hard ground, and whilst the school works extremely hard to create fantastic learning spaces outside these simply are not big enough.
- The recent Commons Report Review of Research on Outdoor Learning, (5) commissioned by the House of Commons found that:
"Policy makers at all levels need to be aware of the benefits that are associated with different types of outdoor learning. The findings of this review make clear that learners of all ages can benefit from effective outdoor education."
- In some cases, the value of outdoor education and the skills students develop outside the classroom is very directly linked to the employment market. For example, The Institute of Ecology and Environmental Management (IEEM) has identified biological recording, survey and monitoring as a growing area that depends greatly on specialist skills being taught in schools, colleges and universities. This link is also in evidence in the bioscience and ecological sectors and the growing environmental protection sector as well as in the numerous other areas of the labour market which require training involving direct contact with the natural world or vocational preparation which cannot be delivered in classrooms.
- The conclusions of this report stem from our belief in the value of outdoor learning. Evidence taken by the Committee strongly indicated that education outside the classroom is of significant benefit to pupils"
- The outdoor learning pedagogy roots the child firmly in their sense of place and community, it encourages the child to see their actions connected with the larger world and, importantly at a time when we are often blue screen led, it allows the child to disconnect and take stock of their own needs and self-care. It creates an understanding of our dependency on each other and fosters friendships that last. For a small community school these life skills are vital.

Objection

- No specification/dimensions are given for the fence to be erected
- The area to be fenced is at a right angle to the current play ground will make it impossible for one person to supervise at break times.
- The plan states that the existing fence between the yard and the new area would be removed, this would in effect provide access to motor vehicles when the yard is being used for non-school events, bollards should be erected to prevent this.
- Who will cover insurance liability on this area during school hours and also outside these times with public access
- The fence to be erected a metre from the residential properties will create a walkway through this area. It also creates an area which is extremely difficult to keep tidy which will de-value the adjacent properties.

- An environmental assessment is surely required to consider the effect the development will have on the meadow.
- My lounge patio doors are only 15 metres away from the proposed fence of the play area. I will be looking at a 1.8m high mesh fence with children looking straight into my lounge. It will be like living in a prison and will destroy my view I have from my property and devalue it hugely.
- Other concerns include child safety
- The proposal is going ahead without any consideration for the local residents living adjacent to the plan.

Comments have also been received from Powys Ramblers which are as follows;

The right of way shown on the plans does not appear to be affected by the proposed development.

In the event of permission being granted can the applicant please be advised of the importance of making sure that the right of way is not obstructed during any development works and is kept open throughout.

Officer Appraisal

Welsh Water

Welsh Water has been consulted and has confirmed that they have no objection to the proposed development. They however did confirm that the application site subject to the change of use is crossed by a public sewer.

An informative will therefore be attached to any grant of consent informing the applicants of their responsibilities with regards to the sewerage pipe. In light of the above and subject to the recommended informative it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Public Rights of Way

A public rights of way footpath LB595 is located adjacent to the proposed development area but outside of the application site. Countryside Services have been consulted and have confirmed that they have no objection to the proposed development. The officer however has recommended that an informative is attached to ensure that the right of way is not obstructed during any development works and is kept open throughout. It is also noted that permission will be required to be obtained from for the new 1.2m pedestrian gate prior to its installation.

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

Public Representations

Further to the previous report additional correspondence has been received. Whilst it is considered that a number of the concerns raised have already previously been addressed within my main report it is considered that there are a few remaining outstanding points to address. These are as follows:

Biodiversity- Concerns have been raised over the potential ecological impacts the proposed development may have on the application site. It is noted that the application site is currently grazed unimproved agricultural land which is considered to have low or little ecological value. Given that the proposed development is for the change of use of land only it is therefore considered that the proposed development would be seen as having minimal impact on biodiversity within this area.

Maintenance/use of Land- Concerns has been raised over the future running/use of the site. This is the responsibility of the owner/users of the Land and therefore Development Management offer no further comment in relation to this matter.

Loss of Privacy- Concerns have been raised over the loss of privacy for the properties which back onto the application site. The Residential Design Guide states "Unless it can be demonstrated that privacy can be maintained through design, there should normally be a minimum separation between directly facing habitable room windows on rear elevations.", however there is no restriction for gardens in which this development is considered to be similar too. Due to the distance from the neighbouring dwellings and the proposed use of the application site it is therefore considered that the privacy of neighbouring residential dwellings will not be detrimentally affected by the proposed development.

RECOMMENDATION

Based on the information submitted with the application, consultation response and existing policy context, 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

Building Control

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

Welsh Water

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Rights of Way

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