Planning, Taxi Licensing and Rights of Way Committee Report

Application Number:	19/1873/FUL	**Grid Ref:**	E: 296918 N: 268791
Community Council:	Rhayader Community	**Valid Date:**	05.12.2019

Applicant: Powys County Council

Location: Rhayader C in W School, Rhayader, LD6 5LT.

Proposal: Construction of new mobile classrooms to provide 3+ Early years facility

Application Type: Full Application

The reason for Committee determination

Powys County Council is the applicant and therefore is required to be determined by Members of the Planning Committee.

Consultee Responses

Consultee	**Received**
Rhayader Community Council	
No comments received at the time of writing this report	
PCC - Building Control	
No comments received at the time of writing this report	
Wales & West Utilities	
No comments received at the time of writing this report	
Natural Resources Wales	11th Dec 2019

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018): https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en. We therefore do not have any comment to make on the proposed development.

We do note that the development is 310m from two Protected Sites;

- River Wye (Upper Wye) Site of Special Scientific Interest

- River Wye Special Area of Conservation

From the information provided, we consider that the proposal is not likely to have a significant effect on the protected sites.

Please note that our decision not to comment does 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.

We trust that the above comments are of assistance however, should you have any queries, please do not hesitate to contact me.

PCC - Highways 19th Dec 2019

Thank you for consulting the Highway Authority on this matter.

Based on the information submitted by the agent, in an email dated 19th December 2019, confirming the use of the building being for existing pupils of the school, the Highway Authority does not wish to comment on this application.

Welsh Water 11th Dec 2019

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Sewerage:

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

Surface Water Drainage.

The proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards, and is strongly recommended that the developer engage in pre-application consultation with the Local Authority, as the relevant SuDS Approval Body (SAB).

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com 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.

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.

PCC - Environmental Protection 16th Dec 2019

Having taken a look at the residential nature of the area where the proposed development will be sited and given consideration to noise creation, I would recommend that during the landscaping and construction period working hours and delivery times 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.

PCC - Ecologist 19th Dec 2019

Thank you for consulting me with regards to planning applications 19/1873/FUL that concerns full applications for construction of new mobile classrooms to provide 3+ Early years facility at Rhayader C In W School, Rhayader.

I understand that an ecological survey has been undertaken to support this planning application. However, the ecological report has not been submitted with the current planning application.

Once the ecological report has been submitted, I will be able to provide an ecology consultation response regarding this application

Additional comments received 28th January 2020 –

Thank you for consulting me with regards to the submitted additional information concerning planning application 19/1873/FUL.

A Preliminary Ecological Survey has been undertaken to assess the potential of the development to impact to any protected species presence or habitats of ecological value.

I have reviewed the submitted Ecological Assessment (including for protected species) Report produced by Mid Wales Ecology Ecological Consultants dated September 2019 report reference number 19.026b, I consider that the survey effort employed was in accordance with National Guidelines.

Method statement, avoidance and mitigation measures – Nesting birds, Reptiles and Badgers

A site visit was carried out by the Ecologist on the 8th September 2019. The habitats identified within and adjacent to the proposed development (noted to be referred to as area 4 within the ecological report) are;

Broadleaved scattered trees, tall ruderal herbs, amenity grassland, introduced shrub and non native invasive species (namely Japanese knotweed).

The habitats directly impacted by the proposed development is considered to be of low biodiversity value, however it is considered that species that could be present an impacted by the proposed developments are nesting birds, reptiles and badgers. Therefore section 8 of the ecological report provides reasonable avoidance method statement that requires to be implemented and adhered to throughout the construction phase of the proposed developments.

I therefore recommend that implantation and adherence of the method statement, avoidance and mitigation measures are secured though an appropriately worded condition.

Given the identified Method Statement, Avoidance and Mitigation Measures in section 8 of the Preliminary ecological assessment (including for protected species) by Mid Wales Ecology Ecological Consultants dated September 2019 - I consider that the proposed developments will not result in the loss of any features of ecological importance and it is considered the proposed works are unlikely to have a negative impact to biodiversity in the wider area.

Tree Protection Plan

The scattered broadleaved trees are not within the proposed development area but on the immediate boundary edges.

Powys LDP Policy DM2 states that:

‘Development proposals which would impact on the following natural environment assets will only be permitted where they do not unacceptably adversely affect:

5. Trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage’

LDP Policy DM2 part 3, make 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’.

LDP policy DM2 part 2 identified the need to protect habitats afforded protection under National policy and legislation including those listed as a "habitats of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of

the Environment (Wales) Act 2016 – Hedgerows are included on this list and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Works will be undertaken in close proximity to a mature trees on the boundary of the proposed development. Given the nature of the proposed works in close proximity to the mature tree it is considered prudent to require information as to how these features of biodiversity importance will be protected during the construction period of works. It is therefore recommended that a tree and hedgerow protection plan is secured through an appropriately worded condition

Biosecurity Plan regarding Non-Native Invasive Species

Japanese knotweed (non native invasive flora species) has been noted alongside the northern, southern and western boundaries of area 4. Therefore I recommend that a biosecurity Plan regarding non-native invasive species is submitted prior to commencement of works is secured through an appropriately worded condition. Please see below the recommendation for inclusion of an informative regarding non native invasive species.

External Lighting

Careful consideration will need to be given to any external lighting of the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area or woodland.
Any external lighting proposed will need to demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018) full details can be found at https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/. It is therefore recommended that a External Lighting Plan is secured through an appropriately worded condition.

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

Prior to commencement of development works a detailed Biosecurity Plan regarding Non-Native Invasive Species shall be submitted to the Local Planning Authority and shall be implemented as approved.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

The Method Statement, Avoidance and mitigation Measures regarding nesting birds, reptiles, and badger detailed in section 8 of the Preliminary Ecological Assessment (including for protected species) produced by Mid Wales Ecology Ecological Consultants

dated September 2019 report reference 19.026b 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 LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

No external lighting shall be installed unless a detailed external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's LDP Policies DM2, DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

Prior to commencement of development a Tree 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 LDP policies DM2 and DM4 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.

In addition, I recommend inclusion of the following informative:

Non-native Invasive Species - Wildlife and Countryside Act 1981 (as amended)

It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Himalayan Balsam is included within this schedule. Himalayan Balsam waste (the plant itself or seeds) is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

Further information is available from the Non-native Species Secretariat (NNSS) website at https://secure.fera.defra.gov.uk/nonnativespecies/home/index.cfm

Further advice for the construction industry on legal responsibilities when dealing with Japanese knotweed, giant hogweed and other invasive plants is available on Netregs http://www.netregs.org.uk

PCC - Land Drainage

No comments received at the time of writing this report

Representations

Following the display of a site notice there has been no letters of public representations received at the time of writing this report

Planning History

App Ref	Description	Decision	Date
P/2012/0542	Full: Demolition of existing porta cabin and erection of new modular nursery building	Conditional Consent	

Principal Planning Constraints

Adjacent to an Ancient Woodland

Policy	Policy Description	Year	Local Plan
	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
DM2	The Natural Environment		Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting		Local Development Plan 2011-2026
DM11	Protection of Existing Community Facilities and Services		Local Development Plan 2011-2026

DM13	Design and Resources	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
C1	Community Facilities and Indoor Recreation Facilities	Local Development Plan 2011-2026
SPG	Landscape	Local Development Plan 2011-2026
SPG	Biodiversity and Geodiversity	Local Development Plan 2011-2026

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

Site Location and Description

The application site is located within the Community Council area for Rhayader. The application is not located within the settlement development boundary for Rhayader and therefore for the purposes of this application is considered as development within the open countryside as defined by the Powys Local Development Plan (2018).

The application site is located within the grounds of Rhayader Primary School. To the north and west of the application site is existing buildings and land in association with

Rhayader Primary School. To the south of the application site are further buildings in association with the school and agricultural land, and to the east is the existing access to the school.

Consent is sought for the siting of a mobile classroom to provide a 3+ early years facility. The mobile classroom will measure approximately 30 metres in length by 9.1 metres in width, with a ridge height of 3.9 metres. The mobile classroom will be finished with timber cladding for the walls and mineral felt for the roof. The proposed windows and doors will be finished with timber. The proposed development also includes a canopy to the front of the cabin which will be constructed from steel and will measure approximately 18 metres in length and approximately 4 metres in width. The canopy will reach a height of approximately 4 metres in height.

Principle of Development

The Local Development Plan identifies that community facilities such as village halls and schools are essential to the social and physical well-being of the community and support the vitality and viability of our rural settlements. It is recognised that the LDP supports the provision of local facilities alongside improving access to existing facilities.

Policy C1 of the Powys Local Development Plan (LDP) (2018) states that development proposals for community or indoor recreation facilities will be permitted where proposals are within or adjoining a settlement identified in the strategic settlement hierarchy and where no suitable facility exists nearby which could appropriately accommodate the proposed use.

Consent is sought for the siting of a mobile classroom to provide a 3+ early years facility at Rhayader Primary School. It is considered that there are no other buildings within the school site or adjoining which could accommodate this use and therefore in principle it is considered that the proposed development fundamentally complies with relevant planning policy subject to consideration of the following matters.

Scale and Design

With respect to design, specific reference is made to LDP policy DM13 (Part 1). This policy indicates that development proposals will only be permitted where the development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.

The proposed size and scale of the mobile classroom is deemed to be typical of a standard mobile classroom, whilst the existing school is noted as being of brick/render construction it was considered that there were a number of other existing structures/ buildings within the grounds of the school which complement the timber cladded classroom as proposed. It is therefore considered that the introduction of a timber clad mobile classroom would not have a detrimental impact upon the character and

appearance of the surrounding area. The proposed development will be well screened by an existing woodland which will help integrate the cabin into the surrounding area.

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

Highways

A safe access, parking and visibility splays are a fundamental requirement of any development (LDP: DM13, Part 10).

The application does not seek any alterations to the existing access or parking arrangements on site. The local Highway Authority has been consulted regarding the proposed development and noted based on the information submitted by the agent, in an email dated 19th December 2019, confirming the use of the building being for existing pupils of the school, the Highway Authority raised no objection to the proposed development.

In light of the above it is therefore considered that the proposed development would not result in any increased traffic movements and therefore the proposed development fundamentally complies with relevant planning policy.

Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004) & LDP: DM13 (Part 11).

The proposed development is not considered to offer any additional impact upon loss of daylight or loss of privacy to any neighbouring dwellings based on the distance between and the siting of the mobile classroom. Environmental Health were consulted on the proposed development and confirmed that they had no objection to the proposed development subject to the inclusion of a condition regarding working hours and delivery times being restricted.

In light of the above and subject to the recommended condition it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Biodiversity

With respect to biodiversity, specific reference is made to LDP policy DM2 which seeks to maintain biodiversity and safeguard protected important sites.

The PCC Ecologist has been consulted and has reviewed the submitted Ecological Assessment (including for protected species) Report produced by Mid Wales Ecology Ecological Consultants dated September 2019).

The Ecologist noted the application site which is considered to be of low biodiversity value, however it was considered that the development could have the potential to impact on nesting birds, reptiles and badgers due to its location. Section 8 of the Ecological report provides Reasonable Avoidance Method Statement (RAMS) that would be required to be implemented and adhered to throughout the construction phase of the proposed development.

The PCC Ecologist considered that the proposed development in light of the above report would not result in the loss of any features of ecological importance and subject to the inclusion of a number of conditions regarding a biosecurity plan, mitigation measures, external lighting and a tree protection plan raised no objection to the application.

Natural Resources Wales (NRW) has also been consulted regarding the proposed development and noted that the application site is approximately 310 metres from two Protected Sites: River Wye (Upper Wye) Site of Special Scientific Interests and River Wye Special Area of Conservation. NRW noted from the information provided they do consider that the proposal is not likely to have a significant effect on the protected sites and therefore raised no objection to the proposed development.

In light of PCC Ecologist and NRW comments it is therefore considered that the proposed development fundamentally complies with relevant planning policy subject to the inclusion of the recommended conditions.

RECOMMENDATION – CONDITIONAL CONSENT

Having carefully considered the proposed development, officers consider that the proposal fundamentally complies with relevant planning policy. The recommendation is therefore conditional consent.

Conditions

1. The development shall begin not later than five years from the date of this decision

2 The development shall be carried out in accordance with the following approved plans and documents; P5060/51/A02 Rev 2, P5060/51/A01 Rev C, 5060_51_03, Preliminary Ecological Assessment – Mid Wales Ecology September 2019

3. 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.

4. Prior to the first beneficial use of the building, the biodiversity enhancements as shown on drawing (5060_51_03 received on 22/01/2020), shall be implemented as approved and maintained thereafter for as long as the development remains in existence.

5. Prior to commencement of development a detailed Biosecurity Plan regarding Non-Native Invasive Species shall be submitted to the Local Planning Authority. The scheme as approved shall thereafter be implemented as approved prior to the first use of the building hereby approved.

6. The Method Statement, Avoidance and Mitigation Measures regarding nesting birds, reptiles, and badger detailed in Section 8 of the *Preliminary Ecological Assessment (including for protected species)* produced by Mid Wales Ecology Ecological Consultants dated September 2019 (report reference 19.026b) shall be adhered to and implemented in full and maintained thereafter throughout the construction of the building hereby approved.

7. No external lighting shall be installed unless a detailed external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

8. Prior to commencement of development a Tree Protection Plan in accordance with BS:5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented as approved and maintained thereafter throughout the construction of the building hereby approved.

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 neighbouring amenities in accordance with policy DM13 of the Powys Local Development Plan.

4 To comply with Powys County Council's LDP Policies DM2, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

5. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales

(Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

6. To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

7. To comply with Powys County Council's LDP Policies DM2, DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

8. To comply with Powys County Council's LDP policies DM2 and DM4 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.

Informative Notes

Welsh Water

Surface Water Drainage.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com 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.

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.

PCC Ecologist

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Further advice for the construction industry on legal responsibilities when dealing with Japanese knotweed, giant hogweed and other invasive plants is available on Netregs http://www.netregs.org.uk

Case Officer: Luke Jones, Planning Officer
Tel: 01597 827115 E-mail: luke.jones@powys.gov.uk