

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 21/1660/FUL **Grid Ref:** E: 309990
N: 290353
Community Council: Newtown And Llanllwchaiarn **Valid Date:** 02.11.2021

Applicant: Powys County Council

Location: Cedewain School, Plantation Lane, Newtown, SY16 1LH,

Proposal: Demolition of all buildings currently associated with the existing Ysgol Cedewain Additional Learning Need (ALN) School site. Erection of a new 2 Storey Additional Learning Need School, formation of Multi Use Games Area, external services yard compound, sports pitch, new 45 space car parking area including 4 electric charging bays, new vehicular access off Plantation Lane, landscaping works and all associated works

Application Type: Full Application

REPORT UPDATE

Consultee Responses

Consultee	Received
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Contaminated Land

Yes. I am satisfied with the submissions. As you will be aware the issue lies in them commencing development on one half of the site, then occupying the new school and then starting work demolishing/investigating/remediating the other part of the site. I am satisfied with the proposed way forward that they can proceed.

Hafren Dyfrydwy

thank you for the additional information. I can advise we have no objections to the proposals with surface water restricted to 6.5litres/second.

Based upon these proposals I can confirm we have no objections to the discharge of the drainage related condition.

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain

copies of our current guidance notes and application form from either our website (www.hdcymru.co.uk) or by contact our Development Services Team (Tel: 0800 707 6600). Please provide a copy of this email when making your application.

As a reminder, attention is drawn to the fact that it is a legal requirement in most cases for a developer to apply for a Section 104 sewer/lateral drain adoption agreement alongside any application to connect directly or indirectly to public sewers. Further details can be found at www.hdcymru.co.uk.

I trust you find the above in order, however, if you have any further enquiries then please do not hesitate to contact us.

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
NATPLA	Future Wales - The National Plan 2040		National Development Plan 2021
PPW	Planning Policy Wales (Edition 10, December 2021)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN16	Sport, Recreation and Open Space		National Policy
TAN18	Transport		National Policy
TAN24	The Historic Environment		National Policy
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development

		Plan 2011-2026
DM3	Public Open Space	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM8	Mineral Safeguarding	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM14	Air Quality Management	Local Development Plan 2011-2026
DM15	Waste	
C1	Community Facilities and Indoor Recreation Facilities	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	
SPG	Landscape	

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Contaminated Land

Contamination and land instability can present risks to human health, property and the environment, and long term limitations on the use of soils. Development proposals therefore need to be carefully assessed to ensure that any risks from hazards such as subsidence, mine and landfill gas and leachate emissions, landslips or rockfalls are acceptable and addressed. Similarly development should not harm the environment through pollution or contamination.

Policy DM10 confirms 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.

It is the applicant's intention to phase development at the site to enable the erection of the new ALN facility and retention of the existing facility whilst the build is completed. Thereafter, the existing facility will be demolished. In order to address potential contaminated land risks posed by this approach, discussions between the applicant's agent and Council's Contaminated Land Officer have been ongoing. In order to inform this assessment, additional information comprising of the following was submitted;

- 077622.301-CUR-XX-XX-RP-GE-001-P02 | Post Demolition Ground Investigation Scoping Document
- 077622.303-CUR-XX-XX-RP-GE-001-P02 | Remediation Strategy and Verification Strategy

- Method Statement-Wynne Construction-Newtown-25.01.2022-R3 | Updated Construction Method Statement

Having carefully considered the information received, the Contaminated Land Officer has advised that sufficient information has been to enable development to proceed subject to appropriate conditions being attached in order to manage associated risks as the build programme progresses. In light of the comments, received, Officers are satisfied that the proposed development is compliant with planning policy.

Surface Water Drainage

Following further consultation with Hafren Dyfrydwy, additional correspondence has been received which confirms that they are satisfied with the proposed discharge rate of 6.5l/s which is consistent with the SAB approval, already obtained by the applicants. Based upon the response received together with the Drainage Strategy submitted, Officers are satisfied that the discharge of surface water will be managed appropriately.

Recommendation

On the basis of the additional comments presented in the update report together with the considerations as published in the Committee Report, the recommendation is one of approval subject to the conditions detailed below.

Conditions

1. The development shall begin not later than five years from the date of decision.
2. The development shall be carried out in accordance with the following approved plans;

CED-LST-XX-XX-DR-L-0101 P3
CED-LST-A1-XX-DR-L-0200 P3
CED-CUR-XX-XX-DR-C-5500 Rev P4
CED-LST-XX-XX-DR-L-0600 Rev P2
CED-CUR-XX-XX-DR-C-2001 Rev P5
CED-CUR-XX-XX-DR-C-2002 Rev P5
CED-LST-XX-XX-DR-L-0601 Rev P2
CED-KMA-02-ZZ-DR-A-7100 Rev P2
CED-KMA-02-ZZ-DR-A-7101 Rev P2
CED-KMA-02-ZZ-DR-A-7102 Rev P2
CED-KMA-02-ZZ-DR-A-7103 Rev P2
CED-KMA-02-00-DR-A-7000 Rev P2
CED-KMA-02-01-DR-A-7001 Rev P2
CED-KMA-02-ZZ-R1-DR-A-7002 Rev P2
CED-KMA-02-ZZ-R2-DR-A-7003 Rev P2

3. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
4. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 34 metres distant in an easterly direction and 14 metres distant in a westerly direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
5. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
6. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
7. Prior to the first operational use of the development, provision shall be made within the corresponding site for the parking and turning of vehicles as detailed on the approved site plan CED-LST-A1-XX-DR-L-0102 Rev P47. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
8. Prior to the first operational use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 15 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

9. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
10. Any vehicular entrance gates installed within the application site shall be set back at least 15 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
11. No surface water drainage from the site shall be allowed to discharge onto the county highway.
12. The development shall be undertaken in strict accordance with the recommendations in Ecological Walkover Survey - Cedewain School, Newtown, Powys, Ref: RT-MME-156080-01, by Middlemarch Environmental, dated 8th September 2021. The measures identified shall be adhered to and implemented in full.
13. The development shall be undertaken in strict accordance with the Arboricultural Impact Assessment & Method Statement, Ysgol Cedewain School, Newtown, by Tree Solutions Ltd, dated July 2021, including Appendix Four - Tree Protection Plan and Appendix 5 - Tree Protective Measures/Method Statement. The measures identified shall be adhered to and implemented in full.
14. The development shall be undertaken in strict accordance with PLANTING PLAN PLANTING DESIGN, Drawing no. CED-LST-XX-XX-DR-L-0501 Rev. P2 and PLANTING PLAN TREE PLANTING, Drawing no. CED-LST-XX-XX-DR-L-0500 Rev. P2. The measures identified shall be adhered to and implemented in full and maintained thereafter.
15. The planting scheme (condition 14) shall be fully implemented as approved in the planting season applicable to the relevant phase of development as identified on the Phasing Strategy received on 2/2/2022.
16. External lighting shall be implemented strictly in accordance with drawing no. CED-ESD-XX-XX-DR-E-6900 Rev P4 and maintained as approved in perpetuity.
17. Access points to facilitate movement of hedgehog and small mammals shall be incorporated into all fencing forming any part of the site boundary. A minimum of one access point comprising gaps of 130mm x 130mm (5" x 5") shall be installed along each interior fenced aspect of the boundary. A minimum of one access point shall be installed every 25m along the length of the site's perimeter boundary. If gravel boards are to be used, hedgehog friendly designs shall be

used. The access points shall be fully implemented following first erection of the boundary treatment and maintained thereafter.

18. The development hereby approved shall be undertaken strictly in accordance with the Construction Phase Plan (Including Environmental) dated February 2019.
19. No development shall take place within Phase 2 (Completion of External Works) as identified on the Phasing Strategy until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins.

The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

20. No development shall take place within Phase 2 (Completion of External Works) as identified on the Phasing Strategy until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 19 has been received from the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

21. The approved remediation scheme (condition 20) must be carried out in accordance with its terms prior to the commencement of development (within Phase 2) other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority

must be given two weeks written notification of commencement of the remediation scheme works.

If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

22. No occupation of the proposed development in Phase 1 shall take place until the approved gas protection measures are installed and verified in accordance with the Geoshield Verification Plan presented in the Curtins Remediation Strategy ref: 077622.303-CUR-XX-XX-RP-GE-001. Evidence of the completed measures shall be submitted to and approved in writing by the local planning authority prior to first occupation.

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 movement in accordance with policies SP7, DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).
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11. In the interests of highway safety and movement in accordance with policies SP7, DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).

12. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning (2009), Planning Policy Wales (2021) and Part1 Section 6 of the Environment (Wales) Act 2016.

13. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning (2009), Planning Policy Wales (2021) and Part1 Section 6 of the Environment (Wales) Act 2016.

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18. In order to safeguard local amenity by reasons of noise, dust and vibration in accordance with policy DM13 of the Powys Local Development Plan (2018) and Planning Policy Wales (2021).

19. 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 Local Development Plan (2018) and Planning Policy Wales (2021).

20. 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 Local Development Plan (2018) and Planning Policy Wales (2021).

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