

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

<b>Application No:</b>	P/2017/1241	<b>Grid Ref:</b>	296088.12 296572.33
<b>Community Council:</b>	Carno	<b>Valid Date:</b>	<b>Officer:</b> 24/10/2017 Dunya Fourie
<b>Applicant:</b>	Powys County Council		
<b>Location:</b>	Ysgol Gynradd, Carno, Llanbrynmair, Powys, SY17 5LH.		
<b>Proposal:</b>	Full: Replacement primary school; relocation of existing public playground equipment and biomass boiler and all associated works		
<b>Application Type:</b>	Application for Full Planning Permission		

### The reason for Committee determination

This application is submitted by Powys County Council.

### Site Location and Description

The application site concerns Carno school, which is located centrally within the settlement. The surrounding land uses comprise community centre and play area to the north, access route off the A470 and car park to the east and housing development to the west.

This application seeks consent for the construction of a replacement primary school. The replacement school would provide the following accommodation; 3 classrooms, shared group space, administrative offices, staff room, plant room, cloakroom, toilets and kitchen. The construction of the proposed school comprises a single storey building, constructed from facing brickwork and fibre cement weather boarding elevations with upvc windows and doors under profiled tile roof. The dimensions of the school include 15m in width, 34m in length and 5m to ridge height.

The application also seeks consent for the demolition of the existing demountable school and relocation of the boiler and existing play equipment.

### Consultee Response

Carno Community Council

*Letter of 21<sup>st</sup> November 2017*

No Objection with Comments

The Community Council wishes to record that a new school in Carno will make a major contribution to ensuring the future well-being of the community.

## Wales and West Utilities

*2<sup>nd</sup> November 2017*

Our records show those pipes owned by Wales & West Utilities (WWU) in its role as a Licensed Gas Transporter (GT). Service pipes, valves, syphons, stub connections, etc. may not be shown but their presence should be anticipated. No warranties are therefore given in respect of it. They also provide indications of gas pipes owned by other GTs, or otherwise privately owned, which may be present in this area. This information is not information of WWU and WWU is unable to verify this information or to confirm whether it is accurate or complete.

The plan must be printed in A3 size and will also need to be produced in colour. If this is not possible, we can send you a hard copy if requested.

## Severn Trent

*Email of 10<sup>th</sup> November 2017*

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

## Powys Environmental Health

*E mail of 13<sup>th</sup> November 2017*

Thank you for your consultation in respect of this application, I can confirm I have no objection.

## Powys Ecologist

*Email of 26<sup>th</sup> January 2018*

The preliminary assessment found no evidence of roosting bats and the structure proposed for demolition was found to have negligible potential to support roosting bats due to lack of potential access points and suitable features.

*Email of 23<sup>rd</sup> November 2017*

The proposals as described do not appear to fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017

No ecological information has been submitted with the application. These observations are based on an interpretation of available aerial imagery, the submitted plans and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.

The proposals appear to be located within the grounds of the existing school building to be demolished, and an area of amenity grassland. There appears to be a hedgerow in the southwest corner of the site and a mature tree located along the southern boundary but the plans indicate that these features are to be retained.

## Bats

There are records of pipistrelle, Daubenton's and brown long-eared bats within 1km of the proposed works.

Bat roosts are often associated with roofs, both internally using the loft void and externally, particularly utilising suitable roosting opportunities associated with the ridge and edges of the roofs.

No ecological information has been submitted with the application and it is considered that there is a possibility of bat roosts being present, given the proximity of trees and hedgerows, the tree-lined watercourse and woodland habitat to the northeast and the age of the property to be demolished. Therefore, it is considered that there is insufficient information with regard to potential impacts on bats, which are European protected species, to determine this application.

Therefore, in order to assess the potential impacts to roosting bats, a preliminary assessment of the building for its bat roost potential and the potential for any impacts is required. This assessment needs to be undertaken by an appropriately experienced and licensed bat consultant. If this preliminary bat roost assessment identifies potential bat roosting opportunities and/or actual bat roosts that will be affected by the proposals then further bat survey work will be required. If bat access or roosts are found that will not be affected by the proposals a method statement must be submitted to demonstrate how the proposed works will avoid any impacts to bats.

The preliminary bat roost assessment shall include a full internal and external inspection of the building and an assessment of how the proposed development works may affect any potential or actual bat roost features, as well as incorporating opportunities for bats within the completed development. The preliminary bat roost inspection must be undertaken by an appropriately experienced and licensed ecologist and must adhere to the Powys Bat Survey Guidance and the standard survey methodology published by Bat Conservation Trust.

It is not considered that any other European Protected Species would be affected by this development.

## Nesting Birds

Buildings often provide nesting opportunities for a variety of bird species, such as swallow, swift, house martin and house sparrow. There are records of house sparrow within 1km of the proposed works. The Preliminary Bat Assessment requested above should therefore also record the presence and location of any old/active birds' nests visible on the building. Ideally the demolition works should be timed to avoid the bird nesting season (late February to late September for some house-nesting species), or if this is not possible, a suitably qualified ecologist should check for nests immediately prior to the demolition works and if any active nests are found, the works must be postponed until all broods have fledged (see Informative in Recommended Conditions Section below).

The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

A number of bat species and bird species that have been known to nest in buildings such as house sparrow, are listed on Section 7 of the Environment (Wales) Act 2016. There are records of pipistrelle, Daubenton's, brown long-eared bats and house sparrows within 1km of the proposed works. Any suitable habitat for roosts/nests of these species within the existing building should be replaced by provision of bat and bird boxes on the new building. Even if no potential currently exists, such boxes should be provided as an enhancement for biodiversity. The Preliminary Bat Appraisal requested above should make recommendations for appropriate enhancement/compensatory measures.

A mature tree located along the southern boundary of the site is likely to support a range of species and provide potential foraging habitat for bat and bird species for example. It is therefore recommended that this tree is retained as its loss would reduce the biodiversity value of the site. Measures should therefore be taken to protect the tree during the construction period, in accordance with BS5837:2012.

A number of bat species and bird species that have been known to nest in buildings, such as house martin, are listed as species of conservation concern on the Powys LBAP. See comments under Section 7 Species above.

Due to the location and nature of the proposed works, it is unlikely that invasive non-native species are likely to be affected, but the Preliminary Bat Assessment requested above should also record any non-native invasive plant species present at the site.

The mature tree located within the boundary along the south side of the site should be protected during the works in accordance with BS5837:2012.

A Preliminary Bat Assessment is required, as discussed in the European Species section above, which should also include details of any nesting birds and invasive non-native plant species that may be recorded during the site survey.

Recommended conditions will be provided on the receipt of the additional information requested above.

## Informatives

### Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

### Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk)

### Welsh Government Transport

#### Letter of 7<sup>th</sup> November 2017

I refer to your consultation of 1<sup>st</sup> November 2017 regarding the above application, and advise that the Welsh Government as highway authority for the A470 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

- 1) The applicant must provide the existing and proposed Annual Average Daily Traffic (AADT - vehicle movement values) for the access onto the A470 trunk road.

If you have any further queries, please forward to the following Welsh Government Mailbox [NorthandMidWalesDevelopmentControlMailbox@Gov.Wales](mailto:NorthandMidWalesDevelopmentControlMailbox@Gov.Wales)

*Letter of 5<sup>th</sup> February 2018*

I refer to your consultation of 1 November 2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A470 trunk road does not issue a direction in respect of this application.

Highway Authority

*Email of 7<sup>th</sup> November 2017*

It has been noted that the replacement primary school will have a significantly larger footprint, with no Transport Assessment having been submitted with the application.

We therefore require further information for this application to show the number of additional pupils who will be attending the new school, compared with the number of pupils currently at the school.

Please could you also request a plan to clearly display the number of parking spaces within the site.

*Letter of 20<sup>th</sup> December 2017*

Wish the following recommendations/Observations be applied  
Recommendations/Observations

The Highways Authority do not have an objection to this development, provided the parking layout remains as per drawing number P6011/6/7A. And the following condition is attached to the decision notice.

Prior to the commencement of any works on site a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority and thereafter fully implemented in accordance with the approved details.

CPAT

*E mail of 6<sup>th</sup> November 2017*

I can confirm that there are no archaeological implications for the proposed replacement school and playground at this location.

As the development will be located within 60 metres of the scheduled monument SM MG052 (Caer Noddfa Medieval Enclosure) Cadw should be consulted via [amadminplanning@wales.gsi.gov.uk](mailto:amadminplanning@wales.gsi.gov.uk) in case they wish to comment on potential setting impacts.

## **Representations**

A site notice was erected at the entrance to the school, no decision was made for a continuous period of 21 days from the date of the site notice. No third party responses have been received.

## **Planning History**

P/2008/0216-Installation of wood pellet boiler and erection of a fence. Conditional consent granted 16<sup>th</sup> April 2008

## **Principal Planning Policies**

### National planning policy

Planning Policy Wales (9<sup>th</sup> Edition, November 2016)  
Technical Advice Note 5-Planning and Nature Conservation (2009)  
Technical Advice Note 12-Design (2016)  
Technical Advice Note 18-Transport (2007)  
Technical Advice Note 20-Planning and the Welsh Language (2017)  
Technical Advice Note 23- Economic Development (2014)  
Technical Advice Note 24- The Historic Environment (2017)

### Local planning policies-

#### Unitary Development Plan for Powys (March 2010)

UDP SP1-Social, Community and Cultural Sustainability  
UDP SP2-Strategic Settlement Hierarchy  
UDP SP6-Development and Transport  
UDP SP9-Local Community Services and Facilities  
UDP GP1-Development Control  
UDP GP3-Design and Energy Conservation  
UDP GP4-Highway and Parking Requirements  
UDP ENV3-Safeguarding Biodiversity and Natural Habitats  
UDP ENV7-Protected Species  
UDP T2-Traffic Management  
UDP T3-Transport Assessment and Travel Plans  
UDP CS5-Educational Developments  
UDP DC10-Mains Sewerage Treatment  
UDP DC13-Surface Water Drainage Treatment

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

The reasoned justification for policy CS5 supports new education facilities in locations convenient to the main residential areas. Policy CS5 supports the extension or improvement of existing schools where located in accordance with the sustainable strategic settlement hierarchy.

Carno is designated in the UDP as a key settlement within the UDP and the location of the replacement school is on the same site as the existing school. The site is well connected in terms of its close proximity to residential development, access and community facilities.

The proposal therefore complies with policy CS5 and SP2 and the principle of a new school in the proposed location is considered acceptable, subject to detailed policy considerations,

### Design and External Appearance

Policy GP1 and GP3 supports development which makes a positive contribution to the local environment and community through imaginative and good quality design, layout, materials and landscaping.

The proposed school would replace the existing demountable unit with a permanent structure. The exterior of the building is to partly be finished with red brick facing and fibre cement cladding, this surface finish would be in keeping with the appearance of the community centre and nearby houses.

The proposed external appearance of the proposed school is therefore considered acceptable and would make a positive contribution to the appearance of the area.

The scale of the proposed school is larger than the unit it replaces. The additional floor area would accommodate more classrooms and facilities. The proposed building would be accommodated within the school grounds, however the footprint of the building would be brought in line with the community centre and the existing play-ground and biomass boiler would be relocated to where the existing building is located. The proposed site layout continues to make good use of the site and the proposed location of the school would group the built features.

The proposed design and layout of the site is considered in accordance with policies GP1 and GP3 of the UDP and as such is acceptable.

### Highway Safety



Access to the site is off the A470 Trunk Road and the on- site access and parking facilities are shared with the community centre and associated playing fields. The size of the proposed school is larger than the existing and as such has the potential to accommodate more pupils and additional traffic movements to the site.

The highway authority and Transport Wales were consulted regarding their areas of responsibility. Additional information was submitted as requested by the agencies:

- Transport Assessment detail the number of additional pupil numbers and a plan showing parking spaces
- Provide existing and proposed annual average day traffic (AADT-vehicle movement values) for the access off the A470 trunk road

The highway authority confirmed they raise no objection to the proposed school provided the works are carried out in accordance with the parking plan submitted and subject to the submission and approval of a construction management prior to development commencing.

Transport Wales confirmed on the 5<sup>th</sup> February 2018 they raise no objection to the potential intensified use of the existing access of the trunk road.

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

#### Biodiversity

The proposal would result in the removal of the existing demountable school, the unit has the potential to support bats and removal of the structure could result in disturbance or habitat loss for any bats using the unit.

A preliminary ecological assessment was undertaken by Powys County Council, dated January 2018. The report concluded the area had low ecological value and the demountable school had negligible potential to support roosting bats and therefore removal of the structure would not have an adverse impact on biodiversity.

In light of the above the proposed development is in accordance with Powys Unitary Development Plan policies ENV3 and ENV7.

#### Foul and Surface Water Treatment

Policy DC10 supports discharge of sewerage to the main sewerage system where the infrastructure is available.

Carno is a sewered area and the application proposes to connect to the mains sewerage system, this method is in accordance with policy. The Environmental Health authority and Severn Trent Water raise no objection to the connection provided the recommended conditions form part of any forthcoming consent.

It is noted that surface water should also not be allowed to discharge into the foul sewerage system, as such Severn Trent Water advise a condition of any forthcoming consent is

included requiring a scheme for the discharge of surface water to be submitted and approved.

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

### Built Heritage

Policy ENV17 recognises that archaeological remains are a finite, non-renewable resource, the policy criteria therefore considers appropriate protection and management essential to ensure that archaeology survives in good condition and care is taken to see that it is not needlessly destroyed.

The site is approximately 60m south of the scheduled ancient monument; SM MG052 (Caer Noddfa Medieval Enclosure). The SAM is on the adjacent side of the trunk road to the proposed school site and is separated by an intervening playground. CPAT and Cadw have been consulted. Whilst CPAT have been confirmed they have no objection to the proposed development no response has yet been received from Cadw.

An update will therefore be provided to Members prior to the meeting.

### **Other Planning 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.

Carno is a settlement where the Welsh language is identified as an important part of the community fabric. The proposed school would accommodate more pupils and provide a permanent school building, it is considered this development would have a positive impact on supporting the Welsh language and culture in Carno.

### 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**

The proposed development considered to fundamentally comply with relevant planning policy and the recommendation is therefore 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 approved plans, references include existing site plan (P6011/6/3A), Proposed site plan (P6011/6/7A), Proposed site plan during construction of replacement school (P6011/6/8B), Proposed elevations (P6011/6/6), Proposed floor plans (P6011/6/5), site levels and landscaping plan, proposed site location plan (P6011/6/9), existing school floor plan (6011\_6\_1), 5
3. Prior to the commencement of any other development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter fully implemented in accordance with the approved details.
4. Notwithstanding the information submitted with the application, a scheme for the discharge of foul and surface water treatment shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved scheme.

### **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 to accord with Planning Policy Wales (9th Edition, November 2016) and Powys Unitary Development Plan policies GP1 and GP4 (2010)

4. In order to ensure the development is served by an appropriate means of foul drainage and to ensure the development would not exacerbate surface water flooding and to accord with Planning Policy Wales (2016) and Powys Unitary Development Plan policies DC10 and DC13 (2010)

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