

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

**Application Number:** 19/0023/FUL

**Grid Ref:** E: 312842  
N: 325878

**Community Council:** Llanrhaeadr-Ym-Mochant Community

**Valid Date:** 21.01.2019

**Applicant:** Huw Williams

**Location:** Llanrhaeadr Recreation Ground, Llanrhaeadr-ym-Mochnant, Oswestry, Powys, SY10 0LL

**Proposal:** Erection of two spectator stands

**Application Type:** Full Application

### Reason for Committee determination

The application site is located on land within the ownership of Powys County Council.

### Consultee Responses

#### Consultee

#### Received

Community Council

No response received.

PCC-Building Control

24th Jan 2019

Building Regulations application required.

Wales & West Utilities - Plant Protection Team

5th Feb 2019

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the

owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

PCC-(N) Highways

18th Feb 2019

This application should be Refused.

Reasons for Refusal

The application site is located off Maes Yr Esgob (U5205) in a residential area of Llanrhaeadr. This area of Llanrhaeadr suffers from a shortage of off-street parking and has a chronic on-street parking problem. There is a limited amount of available on-street parking bays in the locale, which during peak hours at the local primary school which is in close proximity to the application site, further compounds the issue.

The proposed development is to construct a further two stands which equates to 200 spectators. The applicant has failed to submit any justification or supporting evidence, in relation to the lack of off-street parking offered or indeed the current provision.

Should the applicant wish to submit revised drawings of a 1:500 scale @ A3, which address the above points, we shall certainly review any such submission. Furthermore, if any proposed parking is located within the existing site, full access details onto the U5205 should also be submitted.

PCC Highways

27<sup>th</sup> Mar 2019

The County Council as Highway Authority for the County Unclassified Highway, U5205

Wish the following recommendations/Observations be applied

Recommendations/Observations

The Highway Authority wish to withdraw their previous objection to this application, and do not wish to make any further comment.

Hafren Dyfrdwy

28th Jan 2019

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

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Sports Council For Wales

4th Feb 2019

I confirm Sport Wales has no objection.

PCC-Ecologist

19th Feb 2019

Thank you for consulting me with regards to planning application 19/0023/FUL which concerns an application for the erection of two spectator stands at Llanrhaeadr Recreation Ground, Llanrhaeadr-ym-Mochnant.

I have reviewed the proposed plans, aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 32 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed development include hedgehog and house sparrow.

No statutory or non-statutory designated sites were identified within 500m of the proposed development.

Having reviewed the available aerial and site images the proposed development will impact an area of amenity grassland located within an existing recreation ground, amenity grassland is a habitat considered to be of relatively low ecological value due to its lack of structural diversity and management regime. Given the size of the site and nature of the habitat affected and the likely management it is considered that the area of the proposed

development has negligible potential to support protected or priority species.

Having reviewed the submitted information and the nature of the proposed development it is considered that there is negligible potential for negative impacts to biodiversity at the proposed development site or in the wider habitat.

Natural Resources Wales (North) DPAS

11th Feb 2019

NRW does not object to the proposal. We have the following advice to provide.

#### Flood Risk

Our Flood Risk Map, which is updated on a quarterly basis confirms the application site lies partially within zone C2 of the Development Advice Maps (DAM) as contained in TAN15 and within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the Afon Rhaeadr River, a designated main river.

Given the scale and nature of the proposed development (and in the absence of a flood consequences assessment) we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development.

In areas at risk of flooding, we recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels.

We refer the applicant to our website for further advice and guidance available. Additional guidance including the leaflet "Prepare your Property for flooding" can be found here.

The developer can also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', can be found here

Advice for the Developer

## Pollution Prevention

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites: PPG6' which is available at the Gov.uk website:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/485215/p\\_mho0412bwfe-e-e.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/485215/p_mho0412bwfe-e-e.pdf)

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipe-work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund, refuelling should be supervised at all times - and preferably done on an impermeable surface.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified immediately on our incident hotline, 03000 65 3000.

## Waste

The activity of importing waste into the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from the site.

Waste arising from the development must be disposed of in an appropriate way i.e. to a waste management facility, and where possible it should be recycled. Certain wastes, for example asbestos, are classed as Hazardous Wastes and shall only be disposed of by registered waste carriers to an appropriate facility, licensed to take such wastes.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are included on our consultation topics list (September 2018) which is published on our website:

(<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). We have not considered potential effects on other matters and do 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.

PCC-Environmental Health

5th Mar 2019

I have no objection to the application

### **Representations**

Following the display of a site notice, two public representations of objection have been received and are summarised as follows:

- Close to adjoining properties
- General dislike of proposal
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Information missing from plans
- Loss of light
- Loss of privacy
- Noise nuisance
- Not enough info given on application
- Over development

If the stands are to be built either end by the goals they will be sat in front of the garden of the residential property known as 16 Tanllan and block light, create too much noise and block views. The stands will also affect privacy in the garden of 16 Tanllan. When not in use on match days the stands will likely get abused by teenagers who smoke illegal substances, play loud music, drink alcohol, swear and leave litter inside the stands.

Stand number 2 being located directly across from the residential property known as Green Isaf. Even with the stand currently located to the rear of the pitch noise from teens hanging out in the evening and often into the night is heard. The new stand would be closer and this noise level would only increase and the stand would be better situated to the west side of the pitch as it would not be in proximity to any dwelling.

## Planning History

| App Ref     | Description                                      | Decision | Date          |
|-------------|--|----------|---------------|
| P/2011/0048 | Erection of a temporary 50 seater football stand | Consent  | 28th Apr 2011 |

## Principal Planning Constraints

- Partially within C2 Flood Zone;
- Access off U5205 highway; and
- Within Settlement Boundary of Llanrhaeadr Ym Mochnant.

## Principal Planning Policies

### National Planning Policy

Planning Policy Wales (Edition 10, December 2018)

Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)

Technical Advice Note (TAN) 12: Design (2016)

Technical Advice Note (TAN) 15: Development and Flood Risk (2004)

Technical Advice Note (TAN) 16: Sport, Recreation and Open Space (2009)

Technical Advice Note (TAN) 18: Transport (2007)

Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

### Local Planning Policy

Powys Local Development Plan (2018)

DM2 – The Natural Environment

DM5 – Development and Flood Risk

DM13 – Design and Resources

C1 – Community Facilities and Indoor Recreation Facilities

Powys Residential Design Guide (2004)

Powys Local Development Plan (2011 to 2026) Supplementary Planning Guidance

Biodiversity and Geodiversity Adopted October 2018

## 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 recreation ground is located in the settlement boundary of Llanrhaeadr Ym Mochnant, adjacent to the western boundary of the primary school and alongside the northern side of the B5480 highway which travels through the centre of the village. The recreation ground has a pavilion building in the northern area and car parking in the west, accessed off the unclassified highway (U5205) serving Tanllan/Maes Yr Esgob with the bowling green located in the north west corner, an existing stand located to the east of the pavilion and the remainder of the ground being a grassed football pitch. The recreation ground has perimeter fencing with trees planted along the B5480 highway.

The application seeks consent for two spectator stands; one to be located adjacent to the existing stand on the northern side of the football pitch and the second to be located on the eastern side of the pitch, in the south eastern corner of the ground. Each stand would measure approximately 13.9 metres by 2.9 metres and a maximum height of 3 metres to the front of the stand. The recreation ground already has a 53 persons capacity stand and given the requirement by the Football Association of Wales for teams in the second tier of the football system to have a seated capacity of 250 persons, the proposed stands would have a capacity of 100 persons each with the seats being tiered. The stands would be powder coated grey profile sheeted steel walls and roof.

### Principle

LDP Policy C1 supports the provision of community facilities and although outdoor recreation facilities such as recreation grounds are not specifically identified as a facility, it is considered that they service the local population. Given that the application site is located in the settlement boundary of Llanrhaeadr Ym Mochnant, it is considered that the principle of the development is acceptable at this location. In addition, the benefits of the provision of additional capacity to encourage further use of an existing recreational facility are acknowledged.

### Design

LDP Policy DM13 (Criterion 1) requires development proposals to be able to demonstrate a good quality design and be 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 stands would be functional in design and given their siting at the edge of the football field together with their scale, height and materials, it is considered that the proposed development would complement the location in the recreation ground.

#### Impact upon amenities enjoyed by neighbouring residents

Public representations express concern over the impact of the development on privacy, noise, blocking of light and views, particularly on the residential properties known as 16 Tanllan and Green Isaf. LDP Policy DM13 (Criterion 11) requires that the amenities enjoyed by the occupants or users of nearby or proposed properties shall not be unacceptably affected by levels of noise, dust, air, pollution, litter, odour, hours of operation, overlooking or any other planning matter. The Powys Residential Design Guide also provides additional guidance on privacy, light levels and overlooking in particular.

The northernmost stand would be located approximately 90 metres to the north east of 16 Tanllan and 80 metres to the north of Green Isaf. The southernmost stand would be located approximately 115 metres to the east of the side elevation of 16 Tanllan and 20 metres to the north of the front elevation of Green Isaf.

In terms of noise, the stands would be located in an existing recreation field where noise is already generated from the existing use. Therefore, whilst the stands would provide additional seated capacity, the use would not change and as such it is considered that the proposed development would not have a negative impact as a result of noise levels.

In terms of blocking light, given the height of the proposed stands, the distance from 16 Tanllan and the northern situation in comparison to Green Isaf, it is considered that the proposed development would not have a negative impact upon the light levels enjoyed by the occupiers of the identified properties.

In terms of blocking views, the right to a specific view is not a material planning consideration, however the overbearing nature of a development and impact on a general view are material considerations. Given the distance from 16 Tanllan, the height of the stands and that the stands would be located within an existing recreation ground, it is considered that the proposed development would not detract from the character of the area such that there would be an impact upon the amenities enjoyed by the occupiers of neighbouring properties.

In terms of privacy, the proposed stands would not alter the use of the recreational ground and given the distance from the identified properties, it is considered that the

proposed development would not have an unacceptable negative impact upon the privacy enjoyed by the occupiers of neighbouring properties.

Overall, on the basis of the above consideration and that the Council's Environmental Health department have not objected to the proposed development, it is concluded that the proposed development would not unacceptably affect the amenities enjoyed by the occupants of nearby residential properties in accordance with LDP Policy DM13 (Criterion 11).

### Community safety and crime prevention

Public representations have referred to concerns over an increased anti social behaviour from the proposed development. LDP Policy DM13 (Criterion 5) requires the layout of development to create attractive, safe places, supporting community safety and crime prevention.

Whilst the comments within the public representations are acknowledged, given that the stands would be constructed at an existing recreation ground, it is not considered that the stands would be of a poor design such that would lead to a negative impact upon community safety and crime.

### Highways

Public representations have raised concern over increased parking problems and increased traffic as a result of the proposal. LDP Policies DM13 and T1 indicate that development proposals should meet all highway access requirements, vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

Vehicle access to the onsite parking area is gained off the U5202 unclassified highway serving Tanllan/Maes Yr Esgob housing estate. The unclassified highway meets the B5480 highway to the south west of the ground. The applicant has provided information on the parking provision for the ground as follows:

- The average gate for people attending home games this season (2018-2019) is 110;
- There is car parking at the ground already for approximately 40 vehicles;
- There have been several matches which have attracted larger crowds and the club has the ability to accommodate vehicles at three further venues near the ground:
  - 40 plus vehicles at Llanrhaeadr Ym Mochnant Primary School (adjacent to the ground)
  - 40 plus vehicles at The Foundry Fine Art Factory and
  - Approximately 15 vehicles at Tanat Supplies

- Therefore there is parking available for approximately 135 vehicles at and within walking distance of the site.
- There has been occasions where larger crowds have arrived, for example when attending cup games. For example, Bangor City played at the ground last season which attracted approximately 530 spectators however only the school parking facilities and bus parking at The Foundry were required.

On the basis of this further information and that the Highway Authority has removed their objection, it is concluded that the proposal is served by adequate parking provision and highway network and access in accordance with LDP Policies DM13 and T1.

### Flood Risk

NRW have advised that the application site lies partially within zone C2 of the Development Advice Maps (DAM) as contained in TAN15 and within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the Afon Rhaeadr River, a designated main river.

The northernmost stand would not be located in the flood zone, however the stand in the south eastern corner would be located in the C2 flood zone. TAN15 lists public buildings such as leisure centres as highly vulnerable development which should not be permitted in the C2 flood zone, and therefore whilst the proposed spectator stands would be used by members of the public, paragraph 5.2 of TAN 15 states

*“Highly vulnerable development describes development where the ability of occupants to decide on whether they wish to accept the risks to life and property associated with flooding, or be able to manage the consequences of such a risk, is limited. Less vulnerable development describes development where the ability of occupants to decide on whether they wish to accept such risks is greater than that in the highly vulnerable category”.*

Taking into account the definition of highly vulnerable development above, that spectators would be able to see if the recreation ground was subject to flooded waters and would be able to evacuate the ground and that the risk is not to possessions along with the guidance from NRW, it is concluded that the proposed development is less vulnerable development. Therefore, subject to the use of an informative as recommended by NRW, it is concluded that the proposed development is acceptable in flood risk terms.

### Provision for people with disabilities

LDP Policy DM13 (Criterion 7) requires development proposals to make full provision for people with disabilities.

The recreation ground is fully accessible all the way round with a paved path and there is level access from the car park. Seats of the front row of the existing stand are omitted

for one half of its width providing an area of concrete which is undercover. In addition, the pavilion is wheelchair accessible via the bowling green access. Therefore, whilst the proposed stands would not make provision for people with disabilities, Development Management is satisfied that the existing provision is satisfactory in this instance.

## **RECOMMENDATION**

Whilst the contents of the public representations are noted, it is concluded that the proposed development which has the functional design of its intended use would not have an unacceptable impact upon the amenities enjoyed by the occupants of neighbouring properties or be unacceptable in any other planning matter. Therefore, the recommendation is one of conditional consent as set out below.

### **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 in accordance with the following approved plans and documents: 794B 01, 794B 02, 794B 04, S-100 Rev. 1.

### **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.

### **Informatives**

Please note the advice from Natural Resources Wales:

#### **Flood Risk**

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Given the scale and nature of the proposed development (and in the absence of a flood consequences assessment) we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development.

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