

PLANNING COMMITTEE

REPORT OF THE HEAD OF PLANNING – N. PEARCE

2ND DECEMBER 2014

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended for Approval

<u>APPLICATION NO:</u> P2014/0788	<u>DATE:</u> 31/10/2014
PROPOSAL:	Siting of demountable buildings for use as classrooms, staffrooms and toilets for a temporary period not exceeding 24 months. (Phase 1 of which was approved under P2014/0294) (Amended sewerage details)
LOCATION:	Ysgol Gyfun Ystalyfera, Glan Yr Avon, Ystalyfera SA9 2JJ
APPLICANT:	NPTCBC Education Department
TYPE:	Full Plans
WARD:	Ystalyfera

BACKGROUND INFORMATION

This application has been called to committee by the Local Member Cllr Llewellyn to ensure that all of the issues raised through the consultation are fully considered by the members.

Planning History:

P2014/0294 - Siting of 1 No. demountable building for use as a classroom, construction of an access track, and erection of perimeter fencing to facilitate the use of the land for temporary classroom provision for a temporary period not exceeding 24 months- Approved- 28/05/14

Publicity and Responses if applicable:

The application was advertised on site. In addition one individual property was consulted by letter.

One objection has been received relating to the following matters;

1. Concerns over consultation.
2. Concerns over trees located between the application site and the adjoining property.
3. Potential light pollution, and noise impacts.
4. Issues with access.
5. Concerns over the Substation, and provision of a cesspit.
6. Loss of privacy, overlooking and visual impacts of development.

Head of Engineering and Transport, Highway Section- No Objection.

Head of Engineering and Transport, Drainage Section- No Objection.

Natural Resources Wales (NRW)- No Objection, subject to conditions.

Description of Site and its Surroundings:

The application site forms part of a wider area used as playing fields, and currently provides a form of all weather surface, within the south east corner of the wider playing fields area. The site is bounded to the south and east by an existing tree line, and is level, if slightly raised above the ground level of the adjoining grassed areas.

The existing school lies to the west, off Glan Yr Afon Road, and is separated from the playing fields by the River Twrch that runs parallel to the road. An existing footbridge crosses the river opposite the school to allow pedestrian access.

Members will be aware of a previous application relating to Phase 1 of this development. That application was for the installation of 1 No. demountable building for use as a classroom, construction of an access track, and erection of perimeter fencing to facilitate the use of the land for temporary classroom provision for a temporary period not exceeding 24 months. That application was approved on the 28th May and the works have been implemented on site.

Brief description of proposal:

This application proposes the installation of demountable buildings for use as classrooms, staffrooms and toilets for a temporary period not exceeding 24 months.

Members may be aware that the existing school at Ysgol Gyfun Ystalyfera is to undergo significant improvements and alterations as part of the 21st Century Schools Programme, and this will result in a number of the existing sub-standard blocks within the site being demolished, and new buildings constructed, together with renovation and alterations to other buildings on the site.

As the site is constrained by adjoining development, the site cannot accommodate these works and the number of existing pupils. In addition the works cannot be undertaken outside of term times and still achieve its required deadline for completion. As such alternative temporary accommodation needs to be sought, in a suitable location and provided in phases in readiness for these forthcoming works.

This application can therefore be considered to be phase 2 of the works in preparation for the main site works, and further temporary works to facilitate the redevelopment of the school.

The existing fence line encloses an area measuring roughly 94m by 57.3m, and measures 3m in height and is of a Heras zenith Welded mesh design, and is provided with three single gates, and one double gate access.

The demountable buildings are located around the perimeter of this existing compound. They are standard demountable structures, measuring between approximately 16.6m in length, by 9.6m wide, with a flat roof to a height of 3.5m. The applicant has indicated that this can accommodate twenty classrooms, a staff room, offices and toilets.

In addition to these works the applicant proposes to provide a small cabinet sub station within the compound, and external lighting. Two lighting columns to the existing footpath link serving the development, and wall mounted lights within the compound to safely light the walkways within the site.

The applicant was originally proposing to provide a septic tank to temporarily serve the development. However, the applicant has amended the scheme to connect the development to the main sewer. This is a more cost effective proposal, and also removes any potential environmental concerns. Where possible, all developments should use mains sewerage rather than rely on private means of disposal.

Material Considerations:

The material considerations relate to land use and development plan policy, highway and pedestrian safety, amenity of adjoining properties, visual amenity,

flood risk and sewerage and drainage issues, together with impacts upon loss of open space provision.

Policy Context:

Neath Port Talbot Unitary Development Plan

- GC1 New buildings/structures and changes or use.
- ENV1 Development in the open countryside.
- ENV17 Design.
- T1 Location, layout and accessibility of new proposals.
- RO1 Protection of recreation, sports facilities and open spaces.
- IE4 Private sewage treatment facilities.

As set out within the report for the previous development at this site, the site lies outside of settlement limits, as defined by the Neath Port Talbot Unitary Development Plan. Policy ENV1 relates to development within the open countryside, and sets out an overarching presumption against unjustified forms of development. The policy refers to exceptions, and includes; “it is development that is necessary to serve the social, recreational or economic needs of the local community”

In this specific case the land that the development is to be located, whilst outside of settlement limits, is presently used for formal recreation purposes, and as such has an existing function and use within the wider community of Ystalyera. It is not open countryside in visual or land use terms, but protected from permanent unjustified development by this policy. In addition, the previous temporary development has been implemented in preparation for the temporary relocation of the school activities.

In addition Policy RO1 refers to the protection of recreation, sport facilities and open spaces. Again the need to retain these important formal and informal open spaces, and recreation facilities within communities is afforded protection. The temporary nature of the development, as set out previously, would ensure that the land and use is restored, and that therefore the impacts of the loss of this small area of the wider playing fields area would not be significant in the long term.

The use proposed is temporary in nature, and forms phase 2 of a previously approved temporary development, and as such the land will be returned to its recreational use following completion of the school redevelopment. It is therefore considered that due to the existing uses, and the temporary nature of the works, the proposals are an essential requirement to facilitate the development of

the existing school for the benefit of the local community, which would not represent a harmful or material departure from the Development Plan.

Visual Amenity:

The development, whilst temporary in nature will be enclosed within a fenced compound for security, and for the health and safety of the pupils. The demountables proposed are single storey and will be finished in suitable materials as not to result in any unacceptable visual impacts. These are shown arranged around the edges of the fenced off area, creating a courtyard arrangement, and are provided in a single storey form.

It is considered that whilst the development would provide a significant physical change in the visual appearance of the site, it is temporary, and the site will be restored to its former condition once the site is no longer required.

Residential Amenity:

The nearest residential property is located at Abertwrch Farm. This is located to the south of the application site beyond the existing tree line, and shares a common access that runs to the west of the application site in a north/south direction along the boundary with the River Twrch.

The development will be visible from this property, but due to the scale and temporary nature of the development, is not considered to significantly impact upon the amenity of residents within this property, either through overlooking, overbearing or loss of privacy. It should be noted that the application site is presently playing fields and therefore used by the public already. Whilst the use of this area will increase, the activities and thus the impacts on the nearest neighbouring property would be restricted to term time, and school hours only, therefore reducing the potential activity in this area. Such temporary impacts, are in any event, considered acceptable.

In relation to the objection received in respect of amenity issues. Whilst the use of the site on a temporary basis will have an impact. It is not considered that the development would raise significant impacts on visual amenity (Being temporary for a period of 24 months only) nor upon noise or loss of privacy (taking into consideration the unrestricted public use of the site as it presently stands). In relation to the windows of any building overlooking their property, the applicant has confirmed that all of the windows facing towards the common boundary can be obscured. This will be a condition of any permission issued.

In relation to light pollution, the proposed lighting is either to the internal areas of the fenced compound or provided to the footpath link. It is not considered that the scale of the lighting, nor the location of the lighting would impact detrimentally upon residential amenity.

Highway Safety (e.g. Parking and Access):

The Head of Engineering and Transport, Highway Section offers no objection to the development. There are no parking facilities proposed, and all parking would need to be accommodated at the existing school site, where staff and pupils would be required to walk or cycle to this site, via the existing public access points.

In respect of the objection in relation to access and Highway and pedestrian safety, the Head of Engineering and Transport, Highway Section, offer no objection to the development. It should be noted that a condition restricting parking within the site and wider playing fields area (as edged blue on the submitted plans) has been suggested. In relation to private individuals rights of access, this is a private matter. The provision of passing bays along this track and/or improvements are not proposed under this planning permission, and may not require planning permission.

Whilst clearly the construction phase of the development will cause a level of disruption, this is transient in nature, and relatively quick, as the buildings are demountables and do not require significant levels of deliveries of construction material.

Flood risk/ Drainage/ Sewerage.

The site is located within a Zone C2 area as defined by the development advice map referred to by TAN15 (July 2004). However, NRW confirm that they have recently updated the modelling along the River Twrch, and that the results of this modelling work has removed the majority of the site from the area at risk of flooding. Based on the results of this modelling, NRW would have no objection to the proposal in terms of flood risk, especially as it is temporary in nature.

The Authority's Emergency Planning Section have been consulted on the application, and specifically to address the comments provided by NRW that state: "parts of the access to the temporary buildings (which is assumed to be via the bridge across the River Twrch), do fall within flood zone 2 (the 0.1% annual probability event). As such, compliance with Table A1.15 in TAN15 should be demonstrated. Safe access /egress is a matter for your Authority to determine in consultation with the emergency services. The Local Resilience Forum for your area may be able to provide further advice in liaison with Local Authority

Emergency Planners.” No response has been provided, it is noted that NRW seek the provision of a flood management plan.

The access to the site still lies within an area at risk of flooding, and NRW request that a condition be imposed requiring a “Flood Management Plan” to be drawn up and implemented for the development. This will be a condition of any permission issued, to be in place prior to the first use of the development.

The applicant now proposes to connect the development temporarily to the main sewer. This is the most suitable method, and NRW offer no objection.

Objections

In relation to the objections received, that are not addressed within the forgoing report, the following comments are provided.

In relation to trees the site is currently a “red gravel” area free of all vegetation. There are trees located to the boundaries of the playing fields but these are unaffected by the development.

The cess pit, as clarified within the report is no longer required. The application will be connected to the main sewer.

In relation to the substation, it will serve this development only, and will be located within the compound, and removed from the site once the use of the site ceases.

In relation to noise and disturbance, these matters have been addressed in the forgoing report. Specifically in relation to an incident where the alarm was triggered, clearly any development should be secured, and protected. It is not considered that this is a significant issue, and would be a matter for the ongoing management of the site.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. All reports and recommendations are prepared in the light of the Council’s obligations under the Act and with regard to the need for any decision to be informed by the principles of fair balance and non-discrimination.

Conclusion:

The proposed development, whilst located outside of defined settlement limits, is temporary in nature. As such whilst the provision of a permanent development at this site may not be acceptable, the temporary provision of the development for a period of 24 months to facilitate the development/redevelopment of the adjoining school buildings can be supported. The development would not result in any unacceptable impacts upon the amenity of adjoining property, nor highway and pedestrian safety, and subject to conditions can appropriately address flood risk and environmental issues raised through the consultation process. As such the proposals would accord with Policies GC1, ENV1, ENV17, T1, RO1 and IE4 of the Neath Port Talbot Unitary Development Plan.

RECOMMENDATION: Approval with Conditions

CONDITIONS

(1)The development hereby approved shall be limited to a period of 24 months from the date of this permission, and within 3 months of the cessation of this period, or the cessation of use, whichever is the earlier, all works shall be removed from site, and the land returned to its former use and condition.

Reason

As the development and use is temporary in nature, and that the development is located within the open countryside.

(2) Notwithstanding the details submitted and prior to the first use of the development hereby approved all windows on the southern elevation of the site shall be glazed with obscured glass and retained as such.

Reason

In the interest of the amenities of the adjoining property.

(3) Prior to the first use of the development hereby approved a Flood Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall be fully implemented as approved, and shall be available to all staff and appropriate persons on site to view and follow at all times that the site is occupied. The Flood Management Plan shall include full details of how the site will be effectively managed /evacuated should a flood event occur, including emergency access and egress routes, and safe assembly points.

Reason

In the interests of safety, and that the access points to the site are at risk of flooding.

(4) No staff or visitors to the school shall park within the site as edged red or blue on the plans hereby approved.

Reason

In the interests of Highway and pedestrian safety.

(5) There shall be no external lighting, or security lighting, other than that approved as part of this application, unless otherwise as part of a scheme to be submitted to and approved by the Local Planning Authority. Upon cessation of the use hereby approved all lighting shall be removed from site, and the site returned to its formal use and condition.

Reason

In the interests of amenity.

(6) The development hereby approved shall be connected to the main sewer prior to its first use or occupation.

Reason

In the interests of amenity.

REASON FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

The proposed development, whilst located outside of defined settlement limits, is temporary in nature. As such whilst the provision of a permanent development at this site may not be acceptable, the temporary provision of the development for a period of 24 months to facilitate the development/redevelopment of the adjoining school buildings can be supported. The development would not result in any unacceptable impacts upon the amenity of adjoining property, nor highway and pedestrian safety, and subject to conditions can appropriately address flood risk and environmental issues raised through the consultation process. As such the proposals would accord with Policies GC1, ENV1, ENV17, T1, RO1 and IE4 of the Neath Port Talbot Unitary Development Plan.