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| REPORT OF THE ASSISTANT HEAD OF THE ENVIRONMENT DEPARTMENT | CAERNARFON |

Number: 3

Application

C20/0002/11/LL

Number:

Date Registered: 29/01/20

Application

Full

Type:

Community: Bangor

Ward: Glyder

Proposal: Engineering work so as to improve existing playing fields

by using soil from the adjoining Ysgol y Garnedd site.

Location: Land at Ysgol Friars, Bangor, LL57 2LN

Summary of the

Recommendation:

TO APPROVE WITH CONDITIONS

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1. Description

- 1.1 This is an application to create two level play areas on the land of Ysgol Friars using soil that derives from the Ysgol y Garnedd construction project. As part of the development and to compensate for the loss of a play area, it is proposed to improve a section of the playing field of Ysgol Friars by raising the land level and creating two levelled plateaus with the provision of additional land drainage.
- 1.2 The application area is located to the south of the school buildings and a number of houses on Penrhos Road and Penrhos Avenue abut on the southern boundaries. The playing field was designed so that the northern rear of the site is on the existing ground level, with the gradient gently sloping down 1:80 to the edges which are banked at 1:3. Creating the two plateaus provides an improved playing area for the school where the current ground conditions are uneven, steeper and wet in winter months. The playing area was designed around mature trees that separate the plateaus so that there is no impact on the spread of roots as a result of the construction work. A new land drainage system will improve the site drainage which will be connected to the new culvert at the bottom of the field.
- 1.3 Currently, there are permitted development rights to store material that derives from excavation work associated with the construction of Ysgol y Garnedd for a temporary period. Consequently, the application is a partially retrospective proposal to raise the land level. The plateau located closest to the school is around 1.5m higher than existing ground level at its highest point with the plateau to the south 1m higher and it is proposed to import 4,819m³ or approximately 8,500 tonnes of material for the project.
- 1.4 The application has been screened for the need for an Environmental Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations (Wales) 2017. The development does not fall within the Schedule 1 criteria or the development description in Section 11b, Schedule 2 (Other Projects) either as the nature of the development falls within the definition of waste recovery rather than waste disposal.

2. Relevant Policies:

- 2.1 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act, and in making the recommendation the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.
- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material planning considerations indicate otherwise. Planning considerations include National Planning Policy and the Gwynedd and Anglesey Joint Local Development Plan 2011 2026.
- 2.3 Gwynedd and Anglesey Joint Local Development Plan 2011-2026 Adopted 31 July 2017

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Strategic Policy PS 1: The Welsh Language and Culture

Strategic Policy PS 5: Sustainable Development

Strategic Policy PS 21: Waste Management

AMG 3: Protecting and Improving Features and Qualities that are Unique to the

Character of the Local Landscape

AMG 5: Local Biodiversity Conservation TRA 4: Managing Transport Impacts

ISA 2: Community Facilities

ISA 4: Safeguarding Existing Open Spaces

PCYFF 1: Development Boundaries PCYFF 2: Development Criteria PCYFF 3: Design and Place Shaping PCYFF 4: Design and Landscaping

PCYFF 6: Water Conservation

GWA 2: Waste Management and Designated Sites

Supplementary Planning Guidance - Maintaining and Creating Distinctive and Sustainable Communities 2019

Supplementary Planning Guidance - Landscape Character 2009

2.4 National Policies:

Planning Policy Wales, Version 10, December 2018
The Well-being of Future Generations (Wales) Act 2015
Collections, Infrastructure and Markets Sector (CIMS) Plan 2012

Technical Advice Note Minerals 1: Aggregates

Technical Advice Note 5: Planning and Nature Conservation

Technical Advice Note 11: Noise Technical Advice Note 12: Design

Technical Advice Note 18: Transportation

Technical Advice Note 20: Planning and the Welsh Language

Technical Advice Note 21: Waste

3. Relevant Planning History

3.1 C18/0796/11/R3 - Demolish the existing primary school and construct a new primary school in its place including new access roads, playing fields and ancillary works. Approved subject to the conditions on 24 December 2018.

4. Consultations:

Bangor City Council: No Objection

Public Protection Unit: As an area of historical excavation is within the boundary of

the development, contaminated land conditions need to be imposed as there is no record of what was used to fill the land in the past. Consequently, should any unusual land conditions be discovered during land development, the work must stop and the Planning and Public Protection Service informed with

immediate effect.

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Traffic and Projects Service:

Recommends including an appropriate condition to restrict transport activity hours so that they do not clash with the opening and closing hours of the school.

After observations were received regarding the impact on the local highway, following a telephone conversation the service now understands that material will not be transported on the public highway and, therefore, there is no need to enter into an extraordinary traffic agreement and install a wheel cleaning machine.

Rights of Way Unit: No Response

Flood Risk and Coastal Erosion Management Unit:

A culverted water course flows through the site and it must be ensured that no permanent structure is erected above or within 3m to the culvert path in order to ensure that no such development prevents future maintenance work. While placing a layer of soil is not a permanent development that could restrict access, it would be appropriate to attach the observations of the Water and Environment Unit to the application decision, to advise developers to contact them due to the need for an Ordinary Watercourse Consent for any work that could impact the watercourse flow on a permanent or temporary basis.

Welsh Water: No observations to make on the application.

Gwynedd Archaeological

Service:

No Response

Biodiversity Unit: No Response

Natural Resources Wales: Having reviewed the application submitted, and from the

information provided, we do not believe the proposed development would have an effect on a matter listed on our Consultation Subjects, Development Planning Advisory Service:

Consultation Topics (September 2018).

No concerns regarding any potential impact from the development on the nearby Eithinog Site of Special Scientific

Interest (SSSI).

Public Consultation: A notice was placed in a location near the site on 5 February

2020 and neighbours were informed by letter and a notice appeared in the *Caernarfon & Denbigh Herald* on 26

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February 2020. No letters of objection were received in response to the statutory publicity given to the application.

5. Assessment of the Relevant Planning Considerations:

The Principle of the Development

- 5.1 For all types of waste, Planning Policy Wales sets a criteria to determine applications for sustainable waste management developments, recognising that the most appropriate locations would be those with the least detrimental impact on the local population and the environment and with the best potential to contribute towards a wider infrastructure framework. Such a requirement is reflected in the policies of the local development plan to promote a sustainable method of waste management based on the waste hierarchy.
- 5.2 The principle of the proposal must be considered against GWA 2 of the Local Development Plan (Waste Management on Designated Sites), where it is noted that waste management proposals should be approved on appropriate sites provided that the proposal is in accordance with the waste hierarchy and that there is a clear need for the development which is supported by a Waste Planning Assessment. The waste planning assessment that was submitted with the application, in accordance with the needs of Policy GWA 2 and TAN 21 (Waste) requirements, provides robust justification with supportive evidence of a clear need for the development, taking into account factors that include the nature, type, size, need and location of the development.
- TAN 21 recognises that the probability of requiring new landfill sites will reduce over time as activities such as waste prevention, recycling and other recovery activities develop in accordance with targets and steps. Paragraph 4.23 is relevant here where it states: "The application of the waste hierarchy demonstrates that the disposal of inert waste is not acceptable in most circumstances and without exceptional justification planning applications for the disposal of inert waste should be refused. Exceptional circumstances may be demonstrated where the use of inert waste is necessary to address issues of instability, landscape, flood risk, matters relating to safety, or to enable the land to be used for an appropriate end use. In each case, the level of inert waste to be used should be the minimum necessary to achieve the desired outcome". Therefore, TAN 21 makes it clear that developments involving the disposal of construction and demolition material are unlikely to be considered unless it is 'recovery' material for improved post-use.
- In relation to the principle of importing inert waste materials for the creation of play areas on Ysgol Friars land, if such materials can meet the same specification as primary aggregates, then this would satisfy the objectives of Article 3(15) Waste Framework Directive 2008/98/EC, where waste material is used for recovery purposes rather than transported to landfill; "recovery means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy......". The main objective of using waste for recovery work is that the waste has an useful purpose, namely to displace primary materials that would have to be used for that purpose, therefore, retaining natural resources.
- 5.5 The site is partially located within the development boundary of the Bangor City Urban Service Centre with all of the playing fields protected as open spaces in policy ISA 4 of the Local Development Plan. In addition, improving sports resources in this location

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would meet the needs of Policy ISA 2 which provides a necessary facility to support the community within or nearby the development boundary. The development avoids the transportation of waste materials on the highway as the material source is located on the same land holding as the application area. Therefore, there will be no impact on the local roads network and the project meets the sustainable development principles in accordance with policy PS 5, as it proposes to improve previously used land and infrastructure, to reduce the impact on local resources, avoid pollution, recycle and reuse materials from sustainable sources.

5.6 It is believed that the Waste Planning Assessment submitted with the application is commensurate to the nature and scale of the proposed development. The proposal submitted with the application is acceptable in principle and complies with national and regional planning policies and guidelines on the principle of the sustainable treatment of waste. Therefore, the development complies with policies ISA 2, ISA 4, PS5, PS22, PCYFF 1 & GWA2 of the Gwynedd and Anglesey Joint Local Development Plan 2011 - 2026.

Visual Amenities

- 5.7 The Design and Access Statement submitted with the application has considered Technical Advice Note 12; including an assessment of the development location, design objectives, character of the area, environmental sustainability, access, movement, community safety and factors that affect development, which include the location of the site in a residential area within the development boundary and sustainability principles to allow access for pedestrians.
- There are no statutory planning obligations to protect the landscape or any environmental designations in relation to wildlife sites within the application site. The development is located on the land of Ysgol Friars which is already being used as a playing field and is surrounded with a number of houses that were mainly built in the 50s. The Eithinog Site of Special Scientific Interest and Brewery fields are located approximately 100m to the north west and public footpath number 25 runs parallel to the southern boundary of the site.
- 5.9 The playing field was designed so that the northern rear of the site is on the existing ground level, with the gradient gently sloping down 1:80 to the edges which are banked at 1:3. Creating the two plateaus provides an improved playing area for the school where the current ground conditions are uneven, steeper and wet in winter months. The playing area was designed around a cluster of mature trees which are to be preserved for their biodiversity value and as a feature of the landscape. The trees separate the plateaus and are protected with an appropriate fence so that there is no impact on the spread of roots as a result of the construction work. The plateau located closest to the school is around 1.5m higher than existing ground level at its highest point with the plateau to the south 1m higher. There is no intention to install external floodlights as part of the development.
- 5.10 It is not considered that there would be any long-term substantial change or impact on the visual amenities of the area. The main visual impact currently is the bare slopes of the southern play area and there will be a need to stipulate the recovery work to ensure that an after-care plan is implemented in order to reclaim the land for use as a play area in accordance with the additional details received, namely a management plan for habitats and play areas along with the seed mix. Standard conditions of the Minerals service have been used to recover agricultural lands in accordance with 'ANNEX B & C' requirements from Technical Advice Note 1: Aggregates, and the same principles

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in terms of storing and laying soil, collecting stones, chemical analysis, land drainage and seeding details would apply for the creation of play areas.

- 5.11 In light of the requirements of policy AMG 3; 'Protecting and Improving Features and Qualities that are Unique to the Character of the Local Landscape', it is not believed that the proposal has a substantial detrimental impact on features and qualities that are unique to the local landscape in terms of visual, historical, geological, ecological and cultural aspects. Considering the nature and scale of the development, it is believed that it complies with the requirements and criteria of Policy PCYFF 3 but also, Policy PCYFF 4 which states: "Each proposal should integrate with its surroundings. Proposals that do not show (by using methods that are consistent with the nature, location and scale of the proposed development) how consideration was given to landscaping matters from the outset as part of the design proposal will be refused."
- 5.12 When assessing the visual impact of this application, the development is deemed suitable for the location and complies with the requirements of AMG 3 (Protecting and Improving Features and Qualities that are Unique to the Character of the Local Landscape), Policy PCYFF 3 (design and place shaping) and Policy PCYFF 4 (design and landscaping) of the Gwynedd and Anglesey Joint Local Development Plan 2011 2026.

Residential Amenities of the Area

- 5.13 The Waste Planning Assessment that was submitted with the application confirms that the work to create the first plateau had commenced at the same time as the preparatory work of the Ysgol y Garnedd project, between April and May 2019. It is anticipated that the rest of the work to create the second plateau and to lay topsoil on the whole site will take approximately 30 days to complete before the end of May 2020. All of the topsoil has already been stacked up near the northern boundary of the site and it is proposed to move remaining materials from Ysgol y Garnedd directly to Friars' playing field without having to transport them along the public highway.
- 5.14 Bearing in mind that only a few machines will be on site for a very short period of time, ('D5' track machine with a wide vertical blade, 13t excavator and 30t articulated dumper), the applicant has offered to work within the following hours that have been imposed under a Planning condition on the Ysgol y Garnedd development: -
 - Demolition and construction work must be undertaken between 08:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturdays and not at all on Sundays or Bank Holidays.
- 5.15 There is no evidence that the remainder of the work on the site will harm the residents of the area or users of the nearby public footpath either. The purpose of the development is to provide play areas for the School and the application includes mitigation measures for any adverse impact on the amenities of nearby residents by stipulating the same working hours as the Ysgol y Garnedd construction project. Therefore, it is not considered that the activities associated with importing materials for the creation of two play plateaus on this site will have a detrimental impact on the residential amenities of the area and therefore, the development conforms to Policies GWA 2 & PCYFF 2 of the Gwynedd and Anglesey Joint Local Development Plan 2011 2026.

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The Local Water Environment & Welsh Water Assets

- 5.16 A drainage plan has been submitted with the application which proposes to connect both plateaus to a new culvert installed on the southern boundary of the site to link with the current network along Penrhos Avenue. The playing field was designed so that the northern rear of the site is on the existing ground level, with the gradient gently sloping down 1:80 to the edges which are banked at 1:3. Creating the two plateaus provides an improved playing area for the school where the current ground conditions are uneven, steeper and wet in winter months.
- 5.17 In response to a consultation on the application, Gwynedd's Water and Environment Unit confirmed that a culverted water course flowed through the site and it must be ensured that no permanent structure is erected above or within 3m to the culvert path in order to ensure that no such development prevents future maintenance work. While placing a layer of soil is not a permanent development that could restrict access, it would be appropriate to attach the observations of the Water and Environment Unit to the application decision, to advise developers to contact them due to the need for an Ordinary Watercourse Consent for any work that could impact the watercourse flow on a permanent or temporary basis.
- 5.18 In response to a consultation on the application, the Public Protection service stated that there is an area of historical excavation within the boundary of the development with no record of what was used to fill the land in the past. The application is partially retrospective as all of the soil has been stripped and stored along the northern boundary of the site, and a layer of subsoil has already been disposed on the southern zone in order to provide a play area. The site has been used as a playing field for nearly 50 years and in a further response from the Public Protection Service, it is not proposed to impose standard contaminated land conditions on the application but there was a wish instead to impose a condition to prevent or postpone any work on the site and to inform the Planning and Public Protection Service with immediate effect, should any unusual land conditions be discovered during land development.
- 5.19 No objection was received from Natural Resources Wales or Welsh Water in response to the consultation and therefore, the development complies with Policy PCYFF 6 of the Gwynedd and Anglesey Joint Local Development Plan 2011 2026.

Biodiversity

- 5.20 The application is located on land where grass-cutting is undertaken regularly and the application statement has considered the potential impacts of the development on habitats and protected species concluding that there will be no detrimental impact on birds, reptiles or bats. The application proposes an improvement in biodiversity in accordance with the provisions of Section 6 of the Environment (Wales) Act 2016, namely to preserve the cluster of mature deciduous trees that separate the play areas.
- 5.21 No observations were received from Gwynedd's Biodiversity Unit in response to a consultation on the application and Natural Resources Wales confirmed that there would be no impact on the Eithinog SSSI designation. In accordance with the above measures and the biodiversity improvement proposals, it is believed that the development complies with policies GWA 2, AMG 5 and PCYFF 4 of the Gwynedd and Anglesey Joint Local Development Plan 2011 2026.

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Highway Safety

- 5.22 While the initial observations of Gwynedd Council's Transportation Service suggest an extraordinary traffic agreement, they now understand that the proposed development will not have a detrimental impact in any way, or proposed way as all materials for the project are located on the same land holding as the application site. Therefore, the only recommendation is to include an appropriate condition to restrict transport activity hours so that they do not clash with the opening and closing hours of the school.
- 5.23 Therefore, it is believed that the development complies with Policy TRA 4 (managing transport impacts) of the Gwynedd and Anglesey Joint Local Development Plan 2011 2026 but also, criterion 5 of Policy PCYFF 3 (design and place shaping), as the nature and location of the proposal: 'plays a full role in delivering and improving a safe and integrated transport and communication network by promoting the interests of pedestrians, cyclists and public transport and ensuring surrounding links with the community'.

Sustainability

- Planning Policy Wales provides a definition of sustainable development in Wales where: "sustainable development involves the process of improving the economic, social, environmental and cultural well-being of Wales by acting in accordance with the sustainable development principle, which aims to achieve the well-being goals", and "acting in accordance with the sustainable development principle means that bodies must act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs". Also, this report has assessed the sustainability matters of this application in accordance with the aim of sustainable development in accordance with the seven well-being aims of the Well-being of Future Generations Act (Wales) 2015 to help ensure that all public bodies work toward the same vision of a sustainable Wales.
- 5.25 The development in terms of its nature is sustainable as it has significantly increased the amount of waste to be used in a sustainable manner to reach Government targets, which has already been assessed in this report under 'Development Principle'. The Development conforms to policies PS 5, PS 19 & GWA 2 of the Local Development Plan.

The Welsh Language

- 5.26 There is no need to submit a Language Statement as the application does not fall within the criteria of Policy PS 1: The Welsh Language and Culture, or the provision of the Supplementary Planning Guidance: 'Maintaining and Creating Distinctive and Sustainable Communities 2019'. Policy PS 1 (Welsh Language and Culture) and Policy PS 5 (Sustainable Development) attempt to promote and support the use of the Welsh language in the Plan area and to assist and improve the conditions that ensure thriving sustainable communities.
- 5.27 Developments to improve resources of an educational nature provide infrastructure that contributes towards Gwynedd Council's bilingual education curriculum aims and it is believed that it complies with policy PS 1 and PS 5 of the Gwynedd and Anglesey Joint Local Development Plan 2011 2026.

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6. Conclusions

- 6.1 The waste planning assessment that was submitted with the application, in accordance with the needs of Policy GWA 2 and TAN 21 (Waste) requirements is commensurate with the nature and scale of the proposed development and provides robust justification with supportive evidence of a clear need for the development, taking into account factors that include the nature, type, size, need and location of the development.
- 6.2 The site is partially located within the development boundary of the Bangor City Urban Service Centre with all of the playing fields protected as open spaces in policy ISA 4 of the Local Development Plan. In addition, improving sports resources in this location would meet the needs of Policy ISA 2 which provides a necessary facility to support the community within or nearby the development boundary.
- 6.3 The proposal will not have a substantial detrimental impact on features and qualities that are unique to the local landscape in terms of visual, historical, geological, ecological and cultural aspects. When assessing the visual impact of this application, the development is deemed suitable for the location and complies with the requirements of AMG 3 (Protecting and Improving Features and Qualities that are Unique to the Character of the Local Landscape), Policy PCYFF 3 (design and place shaping) and Policy PCYFF 4 (design and landscaping) of the Gwynedd and Anglesey Joint Local Development Plan 2011 2026. The proposal in terms of nature and location: 'plays a full role in delivering and improving a safe and integrated transport and communication network by promoting the interests of pedestrians, cyclists and public transport and ensuring surrounding links with the community'.
- 6.4 The development avoids the transportation of waste materials to landfill as the filling material source is located on the same land holding as the application area. Consequently, there would be no detrimental effect on the users of the existing road network and Gwynedd's Transportation Unit has no objection to the application subject to imposing a condition to manage transport during the opening and closing hours of the school. Therefore, it is believed that the development complies with Policy TRA 4 (managing transport impacts) of the Gwynedd and Anglesey Joint Local Development Plan 2011 2026.
- 6.5 The application is located on land where grass-cutting is undertaken regularly and the application statement has considered the potential impacts of the development on habitats and protected species. In accordance with the Biodiversity improvement proposals of the application, it is believed that the development complies with policies GWA 2, AMG 5 and PCYFF 4 of the Gwynedd and Anglesey Joint Local Development Plan 2011 2026.
- Oevelopment activities would be unlikely to have a detrimental impact on the amenities of local residents or on users of the nearby public footpath either. It is anticipated that the rest of the work would take approximately 30 days to complete and, therefore, only a few machines would be on site for a very short period of time. Despite this, the applicant has offered to work within the following hours: 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays. Therefore, the development complies with Policies GWA 2 & PCYFF 2 of the Gwynedd and Anglesey Joint Local Development Plan 2011 2026.
- 6.7 A drainage plan has been submitted with the application which proposes to connect both plateaus to a new culvert installed on the southern boundary of the site to link with the current network along Penrhos Avenue. No objection was received from Natural

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Resources Wales or Welsh Water in response to the consultation and therefore, the development complies with Policy PCYFF 6 of the Gwynedd and Anglesey Joint Local Development Plan 2011 - 2026. It is not proposed to impose standard contaminated land conditions on the application but there is a wish instead to impose a condition to prevent or postpone any work on the site and to inform the Planning and Public Protection Service with immediate effect, should any unusual land conditions be discovered during land development.

- 6.8 It is intended to include a note for the Applicant offering the observations of the Water and Environment Unit to the application decision, to advise developers to contact them due to the need for an Ordinary Watercourse Consent for any work that could impact the watercourse flow on a permanent or temporary basis.
 - 6.9 Having considered all of the above matters, it is considered that the development is acceptable in principle and complies with policies PS5, PS21 & GWA2 of the Gwynedd and Anglesey Joint Local Development Plan 2011 2026. The amount of waste to be handled in a sustainable way must significantly increase if it is to meet Welsh Government targets; and reduce the percentage of waste that is sent to landfill in Gwynedd. Policy GWA 2 (Waste Management on Designated Sites) states that waste management proposals should be approved on appropriate sites provided that the proposal is in accordance with the waste hierarchy and that there is a clear need for the development which is supported by a Waste Planning Assessment.

7. Recommendation:

- 7.1 To delegate powers to the Assistant Head of Department to approve the application, subject to the following conditions:
 - Commence the development within five years;
 - 14 day notice of the commencement and completion of the work;
 - Lay soil in accordance with Welsh Government recovery guidelines in MTAN1: Aggregates
 - After-care provision for a five year period after seeding the site to include provision for the collection of stones, chemical analysis, land drainage, work timing and any recovery work;
 - Comply with application plans and details;
 - Using any equipment on site is not permitted unless sufficient dust suppression systems have been installed to prevent dust leakage.
 - Hours of operation between 08.00 and 18:00 Monday to Friday, 08.00 13.00 on Saturdays, with no working on Sundays or Bank Holidays;
 - Any work on the site must be postponed and the Planning and Public Protection Service informed with immediate effect, should any unusual land conditions be discovered during development;
 - Hours of operation of the waste separation equipment between 08.00 and 18:00 Monday to Friday, 08.00 – 13.00 on Saturdays, with no working on Sundays or Bank Holidays;
 - Note to the Applicant to include the observations of the Water and Environment Unit on the application, to advise the developer to contact them due to the need

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for an Ordinary Watercourse Consent for any work that could impact the watercourse flow on a permanent or temporary basis;

• Note to applicant that the application has been assessed in accordance with the seven sustainability goals of the Well-being of Future Generations Act (Wales) 2015.