

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	NMA/2017/0019	Grid Ref:	312839.69 238465.66
Community Council:	Bronllys	Valid Date:	Officer: 27/03/2017 Gemma Bufton
Applicant:	Powys County Council.		
Location:	Archdeacon Griffiths Primary School, Llyswen, Brecon, Powys, LD3 0YB.		
Proposal:	Application for Non-Material Amendment to P/2016/0801 in respect of the approved plans, on site infrastructure, and access road.		
Application Type:	Non Material Amendments		

The reason for Committee determination

The applicant is Powys County Council.

Site Location and Description

The Archdeacon Griffiths Primary School is located within the settlement development limits for Llyswen. The application site is located with the B4350 county highway running to the east of the application site whilst to the south runs the A470 trunk road. To the north runs a private access track which beyond is the River Wye. To the west is agricultural land.

Consent was previously sought and granted under planning application P/2016/0801 for the demolition of existing primary school and construction of a new primary school and all associated works.

Consent is now sought under a non-material amendment for alterations to the existing layout of the site and boundary.

Planning History

P/2016/0801- Demolition of existing primary school and construction of a new primary school and all associated works. Conditional consent.

DIS/2017/0014- Discharge of conditions (P/2016/0801)

DIS/2017/0019- Discharge of conditions (P/2016/0801)

Principal Planning Constraints

- Flood Zone
- Pipeline buffer
- Historic Landscapes Register

Principal Planning Policies

National Planning Policy

- Planning Policy Wales (Edition 9, 2016)
- Technical Advice Note 5: Nature, Conservation and Planning (2009)
- Technical Advice Note 11: Noise (1997)
- Technical Advice Note 12: Design (2016)
- Technical Advice Note 15: Development and Flood Risk (2004)
- Technical Advice Note 16: Sport, Recreation and Open Space (2009)
- Technical Advice Note 18: Transport (2007)
- Technical Advice Note 23: Economic Development (2014)

Local Planning Policies

- SP2- Strategic Settlement Hierarchy
- SP3- Natural, Historic and Built Heritage
- SP9- Local Community Services and Facilities
- GP1 - Development Control
- GP3- Design and Energy Conservation
- GP4- Highway and Parking Requirements
- ENV2- Safeguarding the Landscape
- ENV3- Safeguarding Biodiversity and Natural Habitats
- ENV4- Internationally Important Sites
- ENV5- Nationally Important Sites
- ENV6- Sites of Regional and Local Importance
- ENV7- Protected Species
- ENV14- Listed Buildings
- ENV16-Landscapes, Parks and Gardens of Special Historic Interest
- ENV17- Ancient Monuments and Archaeological Sites
- CS4- Shared Use of Educational Premises for Community Purposes
- CS5- Educational Developments
- RL6 - Rights of Way and Access to the Countryside
- DC1 - Access by Disabled Persons
- DC10- Mains Sewage Treatment
- DC13- Surface Water Drainage
- DC14- Flood Prevention Measures
- DC15- Development on Unstable or Contaminated Land
- TR2-Tourist Attractions and Development Areas

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

Section 96A of the Town and Country Planning Act 1990 allows a non-material amendment to be made to an existing planning permission. There is no statutory definition of a 'non-material amendment', the assessment of which depends on a number of factors such as the context of the overall scheme, the amendments being sought to the original planning permission, the specific circumstances of the site and surrounding areas which varies case by case.

In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change, together with any previous changes made to the original planning permission. In assessing and determining whether or not a proposed change would qualify as a non-material amendment, Welsh Government guidance indicates that Local Planning Authorities may wish to consider the following key issues.

Is the scale of the proposed change great enough to cause an impact to that caused by the original approved development scheme?

Consent is now sought for the following amendments:

- Moving the north western boundary towards the school building
- Amendment to the multi-use games area/ soft play area

It is noted that the works proposed have come forward due to the amount of land available following the purchase of the adjoining land was less than originally anticipated. Whilst moving of the north western boundary reduces the scale of the development site it does not affect the overall location of the proposed school but includes amendments to some of the games areas surrounding the site.

It is considered that these amendments neither alter the site infrastructure or access road as previously approved and therefore is not considered to cause an impact greater than those previously approved by the planning application.

Would the proposed change result in a detrimental impact either visually or in terms of local amenity?

The amended plan includes the north western boundary being moved towards the school building, whilst to accommodate this amendment the site has been reconfigured there are no additional features to those as previously approved.

It is therefore considered that the proposed changes will not result in a detrimental impact either visually or in terms of local amenity.

Would the interest of any third party or body be disadvantaged in planning terms?

Whilst changes will be made to the site boundary there are no proposed changes to the positioning of the existing school building and road layout. Therefore, it is considered that no third party bodies, statutory or otherwise would be disadvantaged by the amendments proposed.

Would the proposed change conflict with national or development plan policies?

In light of the above and given the minor nature of the proposed amendments, it is therefore considered that there would be no change or conflict with either national or development plan policies.

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.

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.

DECISION

In light of the above considerations, the proposed changes to the original permission are considered to be non-material. The recommendation is one of approval.

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Applicant: Education Dept,
Powys County Council
Location: Archdeacon Griffiths Primary
School, Llyswen

