

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 18/1122/NMA
Grid Ref: E: 310685
N: 291653
Community Council: Newtown And Llanllwchaiarn Community
Valid Date: 13.12.2018

Applicant: Powys County Council

Location: Former Bowling Green Site, Back Lane, Newtown, Powys, SY16 2NH

Proposal: Application for a Non Material Amendment to planning approval 18/0124/REM to update and replace existing drawings submitted and approved, changes to cladding and window frame materials.

Application Type: Non-Material Amendment

The reason for Committee determination

The applicant is Powys County Council.

Representations

No representations received at the time of writing the report.

Planning History

App Ref	Description	Decision	Date
P/2016/0466	Residential development of former bowling green to create 24 flats.	Consent106	29/03/2017
18/0124/RE M	Section 73 to vary conditions 2, 4 and 5 of approved planning permission.	Approve	14/09/2018

Principal Planning Constraints

Flood Zone

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
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PPW	Planning Policy Wales (Edition 10, December 2018)	National Policy
TAN1	Joint Housing Land Availability Studies	National Policy
TAN2	Planning and Affordable Housing	National Policy
TAN5	Nature Conservation and Planning	National Policy
TAN11	Noise	National Policy
TAN12	Design	National Policy
TAN15	Development and Flood Risk	National Policy
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
SP1	Housing Growth	Local Development Plan 2011-2026
SP3	Affordable Housing Target	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026

DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
R3	Development within Town Centre Areas	Local Development Plan 2011-2026
C1	Community Facilities and Indoor Recreation Facilities	Local Development Plan 2011-2026
RES	Residential Design Guide (2004)	

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 35 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is 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.

Site Location and Description

The application site is located within the settlement development boundary of Newtown as defined by the Powys Local Development Plan (2018). The site is located on the former Bowling Green site which is located adjacent to the B4368 which runs to the east of the application site. To the north is the existing and remaining bowling green site including clubhouse, to the west is a public car park and to the south is Newtown Bus Station.

This application for a non-material amendment to planning permission 18/0124/REM seeks to amend the previously consented scheme, specifically the external cladding and window frame materials.

Officer Appraisal

Section 96A of the Town and Country Planning Act 1990 (as amended) allows non-material amendments to be made to an existing planning permission via a simple application procedure to the local planning authority. Non-material amendments are the least significant form of change that can be made and should have no material effect on the planning permission.

There is no statutory definition of a 'non-material amendment'. This is because it depends on a number of factors such as context of the overall scheme, the amendments being sought to the original planning permission, the specific circumstances of the site and surrounding areas, which will vary from one application to another. What may be non-material in one context may be material in another.

The responsibility for determining whether a proposed change is non-material lies with the local planning authority. It must be satisfied that the amendments sought to the planning permission are non-material in nature and can therefore be determined as an application under Section 96A of the TCPA 1990.

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. When assessing and determining whether or not a proposed change would qualify as a non-material amendment, the Welsh Government advises that amendments should be considered in line with four tests:

(a)(i) is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme; and'

(a)(ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?

(b) would the interests of any third party or body be disadvantaged in planning terms; or,

(c) would the proposed change conflict with national or development plan policies?

If the proposed amendment is considered to be material, a further application will be required to secure permission for the proposed amendments. Where a local planning authority determines that some of the amendments applied for are material and some are non-material, they may partially approve the application.

The proposed amendment will be considered against the above four tests below.

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

The proposed amendments include updating the approved plans in regards to changes to the cladding and window frame materials from timber cladding to a composite material in Silver Grey and timber framed windows to aluminium respectively.

Officers consider that the proposed change is not great enough to cause an impact different to that caused by the original application approved.

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

The proposed changes to the cladding and window frame materials would result in a different visual appearance to that previously approved, although it is considered that the proposed change would not result in a detrimental visual or local amenity impact given the proposed colour and surrounding area.

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

The interests of any third party or body would not be disadvantaged in planning terms by the proposed amendment.

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

The previous application was determined under the Local Development Plan and given that the visual impact is considered acceptable, it is concluded that the proposed changes would not conflict with national or development plan policies.

RECOMMENDATION

In light of the above considerations, the proposed amendments to the original permission are not considered to be material. As such, the recommendation is one of approval.

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