

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		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
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
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
DM14	Air Quality Management		Local Development

		Plan 2011-2026
E2	Employment Proposals on Non-Allocated Employment Sites	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
RES	SPG Residential Design Guide (2020)	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description

The application site is located within the Community Council area of Llanfair Caereinion and is located within the open countryside as defined by the Powys Local Development Plan (2018). The site is located with the access to the site to the north, an existing poultry unit (P/2017/1071) to the east, and agricultural land to the south and west.

This application seeks to remove condition 10 from planning approval 19/0524/FUL. Condition 10 reads as follows;

“All deliveries to and from site in connection to this application shall be carried out between the following hours, Monday to Friday from 08.00 to 18.00 hours, Saturdays

from 08.00 to 13.00 hours and at no time on Sundays, bank and public holidays”.

The reasoning for the Condition was:

To protect the local amenities of the local residents by reason of noise in line with LDP policy DM13, Technical Advice Note 11 – Noise (1997) and Planning Policy Wales (2018).

Consideration of the Proposed Amendment

Section 96A of the Town and Country Planning Act 1990 allows an amendment to be made to an existing or extant planning permission via a simplified application procedure providing that the proposed amendment does not materially alter the consented scheme.

Paragraph 2.6 of The Planning Guidance-Approving Non Material Amendments states that when assessing and determining whether or not a proposed change would qualify as a non-material amendment, Local Planning Authorities may consider the following tests:

- *Is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme?*
- *Would the proposed change result in a detrimental impact either visually or in terms of local amenity?*
- *Would the interests of any third party or body be disadvantaged in planning terms?*
- *Would the proposed change conflict with national or development plan policies?*

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

Consent is sought for the removal of Condition 10 which currently limits the timing in which all deliveries are brought to the site. It has been argued that the Condition is not relevant in this instance given the location of the application site.

The application site is served by the C2130 County Highway, which leads to the B4385 County Highway, where there are no restrictions on hours or size of vehicles which can utilise the highway network within this area.

The reasoning for the Condition was to ensure the amenities of neighbouring properties in terms of noise were protected. The nearest non-associated residential property to the application is located 180 metres south east of the application site.

Therefore given the distance to the nearest neighbouring residential property and the location of the site along an unrestricted County Highway it is not considered that the removal of Condition 10 would propose a change great enough to cause an impact to

that previously approved.

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

Consent is sought for the removal of Condition 10 which currently limits the timing in which all deliveries are brought to the site. It has been argued that the Condition is not relevant in this instance given the location of the application site.

Therefore given the distance to the nearest neighbouring residential property and the location of the site along an unrestricted County Highway it is not considered that the removal of Condition 10 would cause an adverse impact on the amenities of properties in the surrounding area.

Additionally, there will be no change to the scale of the proposed development, therefore the amendment will cause no different visual impact, to that previously approved.

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

As raised above, given the location of the application site and the location of neighbouring residential properties it is not considered that any third party or body would be disadvantaged.

It is noted for the original planning application (19/0524/FUL), Environmental Health were consulted and did not request for condition 10 to be attached to any grant of consent. It is therefore considered on this basis that the attachment of the condition was un-necessary in this instance as no concerns on amenity grounds was raised by Environmental Health.

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

The proposed removal of Condition 10 would not result in any changes in relation to national or local development plan policies. This non-material amendment application is for the removal of a condition only and no external alterations are proposed to the site.

Conclusion

On the basis of the above observations, officers consider that the proposed development remains in accordance with the listed planning policies. Due to the nature of the proposed alterations, it is not considered that the amendments materially alter the approved scheme, and the recommendation is therefore one of approval.

RECOMMENDATION – APPROVAL