

## Planning, Taxi Licensing and Rights of Way Committee Report

<b>Application No:</b>	DIS/2017/0088	<b>Grid Ref:</b>	321162.66 243368.85
<b>Community Council:</b>	Clyro	<b>Valid Date:</b>	18/04/2017
		<b>Officer:</b>	Kevin Straw
<b>Applicant:</b>	Powys County Council, Ithon Road, The Gwalia, Llandrindod Wells, Powys, LD1 6AA.		
<b>Location:</b>	Clyro Primary School, Clyro, Hereford, Powys, HR3 5LE		
<b>Proposal:</b>	Discharge of conditions no.4, 5, 6 & 23 of P/2016/0802.		
<b>Application Type:</b>	Application for Approval of Details Reserved by Condition.		

### The reason for Committee determination

This application comes before Members of the planning committee as it is being made by Powys County Council.

### Site Location and Description

The application site is located within the community council area of Clyro and is located to the south of the village of Clyro. Conditional consent was granted for the construction of a new Primary school and associated works.

This application seeks to discharge conditions 4, 5, 6 & 23 of planning consent P/2016/0802.

Condition 4 states:

Prior to the commencement of development a drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the first use of the development.

Condition 5 states:

Prior to the commencement of development details of a grease trap to be fitted to prevent any grease entering the public sewerage system shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter must be completed in full accordance with the details as approved.

Condition 6 states:

Prior to the commencement of development a Construction Method Statement and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The schemes should include details on the control of noise and dust during the demolition, landscaping and construction phases. Development thereafter shall be completed in full accordance with the details as approved.

Condition 23 states:

Prior to the commencement of any works on site a Construction Management Plan shall be submitted and approved in writing by the local planning authority. Development thereafter must be completed in full accordance with the details as approved.

### **Consultee Response**

#### PCC Environmental Health – Environmental Protection

*Comments received on 20/06/2017:*

I have no comment in respect of the above discharge of conditions application.

#### PCC Land Drainage

*Comments received on 15/08/2017:*

Having reviewed the submitted drainage details, from a land drainage perspective all seems generally acceptable. However, I would suggest you consult Welsh Water (if you haven't already done so) as a good majority of surface water run-off from the developed site will connect to the public sewerage system. Welsh Water in their earlier consultation response (P/2016/0802) had recommended that surface water and land drainage be disposed via sustainable means, in order to reduce possible hydraulic overload of the public sewerage system.

It seems there is no alternative other than to connect this surface water run-off to the public sewerage system but would recommend you seek Welsh Water's clarification that this is acceptable before the condition is discharged.

#### Welsh Water

*Comments received on 31/08/2017:*

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

#### Sewerage

I can confirm that we have looked over the drainage proposals as part of the above application and have the following comments: We note condition 4 of the original planning application (planning ref: P/2016/0802) states: Prior to the commencement of development a

drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the first use of the development. From reviewing the submitted drainage plan with this most recent application (drawing number: 103 Rev C2) (attached for convenience), it is proposed for a connection of surface water to be communicated to the existing public combined sewer within the site at a rate of 2 l/s.

We have recently been in dialogue with the developer regarding the drainage proposals for this site. It was explained that all options of sustainable surface water disposal would first need to be exhausted before we could consider a connection of surface water from the development. We have not yet received demonstration that all sustainable drainage options have been exhausted. Therefore for the above reasons, we do NOT recommend the discharge of this condition at this time.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

*Additional comments received on 01/09/2017:*

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

#### Sewerage

I can confirm that we have looked over the drainage proposals as part of the above application and have the following comments: We note condition 4 of the original planning application (planning ref: P/2016/0802) states: Prior to the commencement of development a drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the first use of the development. From reviewing the submitted drainage plan with this most recent application (drawing number: 103 Rev C3) (attached for convenience), it is proposed for a connection of surface water to be communicated to the existing public combined sewer within the site at a betterment of 2.1 l/s.

From reviewing the drainage strategy report (July 2016) submitted with the original planning application, we are satisfied that all other options of sustainable surface water disposal have been exhausted. Therefore in principle a connection of surface water at no more than 2.1 l/s into the existing combined sewer is acceptable. Therefore for the above reasons, we recommend the discharge of condition 4 of planning permission P/2016/0802.

However, please note the applicant has not gained approval under Section 104 of the Water Industry Act 1991, and therefore amendments may be required through this process. The applicant will be responsible for notifying the Local Planning Authority of any amendments made through this adoption process.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

### **Public Representations**

No public representations have been received.

### **Officer Appraisal**

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.

#### Discharge of Conditions

The PCC Environmental Health officer was consulted and in response they did not wish to make any comments in respect of the information submitted in support of the discharge of the conditions stated above.

The PCC Land Drainage officer was consulted and in summation they raised no general concerns as to the information submitted in support of the discharge of the conditions. The officer did indicate however that comments should be sought directly from Welsh Water as they may have comments to make in respect of the discharge of water into the public sewerage system. Comments were requested from the water utility company in respect of the submitted information.

Welsh Water was consulted and in their initial response they raised concern with particular regard to condition 4. They indicated that they had not yet received clarification that all sustainable drainage options have been exhausted. Additional information and clarification was sought from the applicant and the water authority was re-consulted. In response to the additional information Welsh Water indicated that they were now satisfied that all other options of sustainable surface water disposal have been exhausted. They confirmed that in principle a connection of surface water at no more than 2.1 l/s into the existing combined sewer is acceptable. They concluded by recommending that the condition could now be discharged.

In light of the above it is recommended that conditions 4, 5, 6 & 23 of planning consent P/2016/0802 can be formerly discharged as the information provided is considered to be acceptable.

### Other Legislative Considerations

#### 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.

### **Recommendation**

In light of the above it is therefore considered that sufficient information has been submitted and conditions 4, 5, 6 & 23 of planning consent P/2016/0802 can therefore be formerly discharged.

