

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	DIS/2017/0091	Grid Ref:	321161.58 243367.94
Community Council:	Clyro	Valid Date:	Officer: 24/04/2017 Kevin Straw
Applicant:	Powys County Council, Spa Road East, County Hall, Llandrindod Wells, Powys, LD1 5LG.		
Location:	Clyro Primary School, Clyro, Hereford, HR3 5LE.		
Proposal:	Discharge of Conditions: Conditions 9, 10 and 12 of P/2016/0802.		
Application Type:	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 9, 10 and 12 of planning consent P/2016/0802.

Condition 9 states:

Prior to the commencement of development, an investigation and risk assessment, shall be undertaken to assess the nature and extent of any contamination within the application site. The contents of the contamination report shall be submitted to and approved in writing by the Local Planning Authority.

The contamination report must include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to (a) Human health (b) Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes (c) Adjoining land (d) Groundwaters and surface waters (e) Ecological systems (f) Archaeological sites and ancient monuments
- (iii) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment.

Condition 10 states:

The approved remediation scheme shall be fully implemented as approved prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. Upon the completion of the remediation scheme a verification report (validation report) that demonstrates the effectiveness of the remediation undertaken shall be submitted to and approved in writing by the Local Planning Authority.

Condition 12 states:

Prior to the commencement of development, a Contamination Monitoring and Maintenance Method Statement for the application site shall be submitted to and approved in writing by the Local Planning Authority. The Contamination Monitoring and Maintenance Method Statement shall be implemented as approved, unless otherwise agreed in writing by the Local Planning Authority.

Consultee Response

PCC Land Contamination

Comments received on 02/08/2017:

On the basis of the Ian Farmer Associates reports that no remedial works are required I can confirm that conditions 9, 10 & 12 can be discharged.

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 Contaminated Land officer was consulted on the information submitted in support of the discharge of conditions 9, 10 & 12 of planning consent P/2016/0802, as indicated above.

The officer confirmed that no remedial works are required and concluded that the conditions could be discharged.

In light of the above it is recommended that conditions 9, 10 & 12 of planning consent P/2016/0802 can be formally 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 9, 10 & 12 of planning consent P/2016/0802 can therefore be formerly discharged.

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