

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

<b>Application No:</b>	DIS/2017/0099	<b>Grid Ref:</b>	321163.64 243371.81
<b>Community Council:</b>	Clyro	<b>Valid Date:</b>	<b>Officer:</b> 27/04/2017 Kevin Straw
<b>Applicant:</b>	Powys County Council, Spa Road East, Powys County Hall, Llandrindod Wells, Powys, LD1 5LG.		
<b>Location:</b>	Clyro C in W Primary School, Clyro, Hereford, HR3 5LE.		
<b>Proposal:</b>	Discharge of conditions no. 3,15,19, 20 & 21 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 3, 15, 19, 20 & 21 of planning consent P/2016/0802.

Condition 3 states:

Prior to the construction of the building hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Condition 15 states:

Prior to the commencement of development, a Biodiversity Enhancement Plan 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 19 states:

Prior to the commencement of development the submission and implementation of a detailed great crested newt avoidance and mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. This is to include details of exclusion and barrier

fencing and a long term conservation proposal and habitat management and surveillance. Development thereafter must be completed in full accordance with the details as approved.

Condition 20 states:

Prior to the commencement of any of the works identified as having impact on biodiversity a Biosecurity Risk Assessment and implementation scheme 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 21 states:

Prior to the commencement of any of the works identified as having an impact on biodiversity an ecological compliance audit (ECA) scheme and implementation scheme 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.

## **Consultee Response**

### YGC - Ecology

*Comments received on 14/06/2017:*

Thank you for consulting me with regards to the information submitted to discharge conditions 3, 15, 19, 20 & 21 of P/2016/0802.

Condition 3 requires that:

Prior to the construction of the building hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Condition 15 requires that:

Prior to the commencement of development, a Biodiversity Enhancement Plan 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 19 requires that:

Prior to the commencement of development the submission and implementation of a detailed great crested newt avoidance and mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. This is to include details of exclusion and barrier fencing and a long term conservation proposal and habitat management and surveillance. Development thereafter must be completed in full accordance with the details as approved.

Condition 20 requires that:

Prior to the commencement of any of the works identified as having impact on biodiversity a Biosecurity Risk Assessment and implementation scheme 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 21 requires that:

Prior to the commencement of any of the works identified as having an impact on biodiversity an ecological compliance audit (ECA) scheme and implementation scheme 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.

I have reviewed the information submitted by the applicant to discharge these conditions, which consists of indicative building material photographs provided by Wilmott Dixon, a biodiversity enhancement plan (RPS, April 2017), a reasonable avoidance measures method statement (RPS, April 2017), a biosecurity risk assessment and implementation scheme (RPS, April 2017) and an ecological compliance audit (RPS, April 2017).

Having reviewed the information above I consider that sufficient information has been submitted to enable discharge of conditions 3, 19, 20 and 21.

I would however wish to point out the following comments regarding the Biodiversity Enhancement Plan:

- Paragraph 4.1.8 refers to bat boxes and not bird boxes.
- It is not clear from plan reference JER-6824-CLY-005 where the indicative flowering lawn mix and wildflower meadow planting would be located.

I would therefore recommend clarification of these matters before discharging Condition 15.

*Additional comments received on 05/07/2017:*

Thank you for consulting me with regards to the updated information submitted to discharge Condition 15 of P/2016/0802.

Condition 15 requires that:

Prior to the commencement of development, a Biodiversity Enhancement Plan 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.

I initially reviewed the information submitted by the applicant to discharge this condition, which consists of a biodiversity enhancement plan (RPS, April 2017), on 14/06/17.

During my initial review I recommended that the following matters regarding the Biodiversity Enhancement Plan were clarified:

- Paragraph 4.1.8 refers to bat boxes and not bird boxes.
- It is not clear from plan reference JER-6824-CLY-005 where the indicative flowering lawn mix and wildflower meadow planting would be located.

Having reviewed the updated biodiversity enhancement plan (RPS, June 2017) I consider that sufficient information has now been submitted to enable discharge of Condition 15.

NRW

*Comments received on 16/06/2017:*

Thank you for your consultation received on 9<sup>th</sup> June 2017 regarding discharge of conditions for 3, 15, 19, 20 & 21 of P/2016/0802. We have reviewed the ecological submissions and we can confirm that we consider them to be satisfactory for the purposes of discharging Conditions 15, 19, 20 & 21.

Condition 3 - no comment.

Condition 15 - Prior to the commencement of development, a Biodiversity Enhancement Plan 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 19 - Prior to the commencement of development the submission and implementation of a detailed great crested newt avoidance and mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. This is to include details of exclusion and barrier fencing and a long term conservation proposal and habitat management and surveillance. Development thereafter must be completed in full accordance with the details as approved.

Condition 20 - Prior to the commencement of any of the works identified as having impact on biodiversity a Biosecurity Risk Assessment and implementation scheme 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 21 - Prior to the commencement of any of the works identified as having an impact on biodiversity an ecological compliance audit (ECA) scheme and implementation scheme 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.

#### Scope of NRW Comments

Our comments only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. Any site owner/developer should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

#### **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

With regard to condition 3 of the P/2016/0802 planning consent, details relating to the external materials and finishes of the proposed development have been submitted for consideration. The details indicate the proposed use of;

Aluminium curtain walling – RAL 7012

Composite aluminium-timber windows – RAL 7012

Fibre cement weatherboarding – Boothbay Blue

Composite metal panel (alongside organic patina standing seam roof) – RAL 7012

Steel door – RAL 7012

Painted render on blockwork – RAL 9001 (Cream)

Clyro school colour – RAL 5010 (alternating between class bases)

Clyro school colour – RAL 5018 (alternating between class bases)

Brick detail – Weinerberger from their Terca wall solutions. Product Ref: Grove Orange Multi Stock

Photovoltaic Panels

Weldmesh anti-intruder perimeter – RAL 6005

Having considered the proposed materials and external finishes as detailed above officers consider the use of such materials and colour finishes are acceptable in their use and consistent with developments of this kind.

In light of the above submitted information it is recommended that condition 3 of planning consent P/2016/0802 can be formally discharged as the information as provided is considered to be acceptable.

Ecological consultation company YGC and Natural Resources Wales were consulted on the discharge of conditions 3, 15, 19, 20 & 21 of planning consent P/2016/0802, as indicated above.

In light of the above consultation responses received from both YGC and NRW it is recommended that conditions 3, 15, 19, 20 & 21 of planning consent P/2016/0802 can be formally discharged as the information as 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 3, 15, 19, 20 & 21 of planning consent P/2016/0802 can therefore be formerly discharged.