

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: NMA/2017/0080

Grid Ref: 310684.23
291656.08

Community Council: Newtown

Valid Date: 12/10/2017
Officer: Luke Jones

Applicant: Powys County Council

Location: Land Adjacent South of Newtown Bowling Club, Back Lane, Newtown, Powys, SY16 2NH

Proposal: Non material amendment to planning permission P/2016/0466 in regards to alterations to the site layout, reducing the size of the windows, revision of the sill height and seek to use a timber & render cladding system in place of brickwork and the addition of a mobility scooter store at the rear of the property

Application Type: Non Material Amendments

The reason for Committee determination

This application has been submitted by Powys County Council.

Site Location and Description

The application site is located within the boundary of Newtown Community Council. The proposed site is located within the town centre of Newtown and is located within a flood zone. The proposed site is accessed via the county highway - B4568. The proposed site is located to the south of Newtown Bowling Club.

The application proposes amendments to the proposed site layout, reduction of window size and substitution of the previously approved brickwork for a timber & render cladding system. The amendments also include revisions to the sill heights of the windows and the addition of a mobility scooter store to the rear of the site. Other minor amendments include changes to ramp heights on the rear and south east elevations, increase in living room window size in flats 4, 12 and 20 to meet natural light requirements and glazed balustrades to the ramps amended to steel handrails.

Planning History

PPAE/2015/0020 – Pre Application Enquiry

PPAE/2015/0304 - Pre Application Enquiry

P/2016/0466 - Residential development of former bowling green to create 24 flats, Planning Permission Granted subject to S106

DIS/2017/0071 - Application to discharge planning condition no. 6 attached to planning permission P/2016/0466 (foul and surface water drainage design), Approved

Principal Planning Constraints

Floodzone C1

Principal Planning Policies

National Policies

Section 96A Town and Country Planning Act 1990 – Planning Guidance – Approving Non Material Amendments to an existing planning permission

Planning Policy Wales (Edition 9, November 2016)

TAN 6 – Planning for Sustainable Rural Communities (2010)

TAN12 – Design (2016)

TAN 15 - Development and Flood Risk (2004)

Local Policies

SP14 - Development In Flood Risk Areas

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

HP4 - Settlement Development Boundaries and Capacities

HP5 - Residential Developments

DC1 – Access by Disabled Persons

DC13 – Surface Water Drainage

DC14 – Flood Prevention Measures

Powys Residential Design Guide (2004)

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Planning History

Planning permission was granted subject to a S106 on the 29/03/2017 for the redevelopment of the former bowling green to provide 24 flats under planning reference P/2016/0466.

Section 96A of the TCPA 1990 allows a non-material amendment to be made to an existing planning permission. There is no statutory definition of a 'non-material amendment', the assessment of which depends on a number of factors such as the context of the overall scheme, the amendments being sought to the original planning permission, the specific

circumstances of the site and surrounding areas which varies case by case. What may be non-material in one context may be material in another.

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. In assessing and determining whether or not a proposed change would qualify as a non-material amendment, Welsh Government guidance indicates that Local Planning Authorities may wish to consider the following key issues.

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

The application proposes alterations to the site layout and further includes alterations to the windows in terms of reducing their size and alterations to materials from brickwork to timber cladding and render. Other amendments include revisions to the sill heights of the windows and the addition of a mobility scooter store at the rear of the site. The application also involves other minor amendments as mentioned above.

Given the nature of the proposed amendments, it is not considered that these would not have a detrimental effect on the development in terms of both the proposed building and surrounding area.

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

Given the nature of the proposed amendments, Officers acknowledge that the visual appearance of the affected properties and development will be altered. Nevertheless, given the scale of the proposed amendments and site location, it is not considered that the proposal would have a detrimental impact either visually or in terms of local amenity.

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

Having carefully considered the proposed amendments, it is not considered that the alterations will disadvantage any third party or body in planning terms.

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

Notwithstanding the proposed amendments, it is considered that the proposal remains in accordance with both national and local planning policy.

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.

DECISION

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 as such, the recommendation is one of approval.