

DELEGATED REPORT

Application No:	P/24/0071
Site Address:	Llysfaen Care Home Maesygarreg Cefn Coed Merthyr Tydfil CF48 2NE
Development:	Changes to PV design, front door style amended, minor alterations to garden layouts (plots 3-6) and removal of cherry blossom tree at front of site
Case Officer:	Adam Foote
Application Expiry Date:	29th May 2024

APPLICATION DETAILS & PLANNING HISTORY

This application seeks consent for a Non-Material Amendment to a previously approved planning consent; P/22/0290, which granted consent for “Change of use of respite home to 10 affordable housing flats with associated external works including new dormers and a raised walkway” at Llysfaen Care Home, Maesygarreg, Cefn Coed.

The proposed amendments are;

1. PV design altered with additional PV arrays to north and west slopes and omitted from smaller dormers, this change is proposed to achieve the SAP A ratings for each apartment.
2. Front door styles changed as the details as previously approved cannot be sourced.
3. Alterations to the garden layouts of Plots 3-6. The patios have been relocated and shed omitted from the proposed plans due to the condition of the boundary wall(s) and given the topography of the land.
4. Removal of Cherry Blossom tree (T15) at front of site as the tree was uprooted in recent stormy weather, therefore it had to be removed.

SITE APPRAISAL

A full site appraisal was carried out at the time the existing planning permission was determined and it is considered that there are no changes that are relevant to the proposed amendment.

PUBLICITY & CONSULTATION

This is an application under Section 96a of the Town and Country Planning Act 1990 and the existing provisions relating to statutory consultation and publicity for planning applications do not therefore apply. Welsh Government guidance on such applications, is that it is not expected that consultation or publicity will be necessary in the majority of cases.

POLICY CONTEXT

The Local Development Plan and national planning policies identified during the consideration of the existing planning permission remain relevant in the assessment and determination of this non-material amendment application.

Welsh Government Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission (July 2014)

The guidance advises that a non-material amendment will depend on 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 the surrounding area, which will vary from one application to 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. The guidance also identifies four tests, which local planning authorities may wish to consider when assessing and determining whether a proposed change would qualify as a non-material amendment;

1. is the scale of the proposed change great enough to cause an impact different to that caused by the original development scheme?
2. would the proposed change result in a detrimental impact either visually or in terms of local amenity?
3. would the interests of any third party or body be disadvantaged in planning terms?
4. would the proposed change conflict with national or development plan policies?

PLANNING CONSIDERATIONS

The main issue in determining this application is whether or not the proposed changes constitute a non-material amendment to the development previously approved.

The changes as proposed to the siting of the solar PV are not considered to result in a materially different visual impact due to their scale, siting and distribution, nor is the proposed change considered to result in a detrimental visual impact or to the local amenity of the area.

The amendment to the doors proposed to be used is not considered to result in any significantly different visual impact, their position would be unchanged and there is not considered to be a significant difference between the previously approved doors and the ones as proposed.

The amendments to the layout of 2 of the garden areas is not considered to make a materially different change, the proposed change would not be visible from outside of the site and could be achieved without the need for planning consent once completed.

The removal of an existing tree that has failed due to weather damage/conditions is not under the control of the Local Planning Authority therefore there would be no justification to refuse this change.

No third parties are considered to be disadvantaged in planning terms by the proposed amendments and no conflict with National Planning Policy has been identified with any of the changes.

There are no conditions on the existing planning permission that would prevent the proposed change. The existing planning permission has not been the subject of any previous applications for non-material amendments that would result in a material change from the original as approved. The existing planning permission was not the subject of any previous publicity/consultation responses that relate to the proposed changes.

CONCLUSION

Taking into account the assessment and any other considerations identified above, it has been concluded that the proposed development is considered acceptable as a non-material amendment to the existing planning permission. Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED

RECOMMENDATION ENDORSED


 Director of Neighbourhood Services

DATE: 22.04.2024