



25 August 2023
Our Ref: 22.145

Caroline Pulley
Development Management
Merthyr Tydfil County Borough Council
Unit 5 Triangle Business Park
Pentrebach
Merthyr Tydfil
CF48 4TQ

(sent via email)

Dear Ms Pulley,

NON MATERIAL AMENDMENT (S96A) SUBMISSION -PLANNING PERMISSION LPA REF P/22/0290

CHANGE OF USE OF FORMER RESPITE HOME TO 10 AFFORDABLE HOUSING FLATS WITH ASSOCIATED EXTERNAL WORKS INCLUDING NEW DORMERS AND A RAISED WALKWAY (FULL)

AT FORMER LLYSFAEN CARE HOME, MAESYGARREG, CEFN COED, CF48 2NE

LRM Planning have been instructed to act on behalf of Merthyr Tydfil Housing Association, in respect of the application described above. .

SUBMISSION DOCUMENTS

To assist in the consideration of this proposal, you will find enclosed the following plans and documents, noting any plans which are to be replaced as part of the application process.

DOCUMENT/REFERENCE (EXISTING)	DOCUMENT/REFERENCE (PROPOSED)
N/A	Site Location Plan Ref 4004-PEN-ZZ-ZZ-DR-A-1000-S2-C1
Proposed Site Plan (Lower Level) Ref 4004-PEN-ZZ-ZZ-DR-A-1060-D2 Rev P9	Proposed Site Plan (Lower Level) Ref 4004-PEN-ZZ-ZZ-DR-A-1060-S2 -C1
Proposed Site Plan (Upper Level) Ref 4004-PEN-ZZ-ZZ-DR-A-1061-D2 Rev P7	Proposed Site Plan (Upper Level) Ref 4004-PEN-ZZ-ZZ-DR-A-1061-S2-C1
Proposed Elevations 1	Proposed Elevations 1

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Ref 4004-PEN-ZZ-ZZ-DR-A-2000-D2 Rev P5	Ref 4004-PEN-ZZ-ZZ-DR-A-2000-S2-C2
Proposed Elevations 2	Proposed Elevations 2
Ref 4004-PEN-ZZ-ZZ-DR-A-2001-D2 Rev P5	Ref 4004-PEN-ZZ-ZZ-DR-A-2001-S2-C2
N/A	Materials Option 2 Ref 4004-08.08.2023

The submission fee of £115.00 associated with this NMA application will be paid shortly.

PROPOSED CHANGES & ADDITIONAL INFORMATION

To assist your appraisal this section seeks to summarise the changes proposed.

- **Facing Material (Conditions 2 & 3).** The main item requiring amendment is substitution of the stone cladding to brick cladding. The reason for the change is due to availability of suitable material given the need for the external wall insulation to be incorporated. Instead, we are proposing to use a brick-slip cladding, details of which are included to amend and satisfy condition 3(b).
- **Deck Access & Railings (Condition 2).** Other amendments include the narrowing (to 1800mm) of the deck access, to satisfy BC/Fire Officer comments and railings added underneath the deck to provide separation between car park and footpath.
- **Raising of Cill Heights (Condition 2).** Cill heights raised of windows LGW8 and LGW10 as there are kitchens located behind.
- **Canopy Change (Condition 2).** Change of canopy above to door XD3 to match other canopies and avoid need for foundations for posts.
- **Roofing Material (Conditions 2 & 3).** It is proposed that the roofing material is now to be changed from existing tile to composite slate to better suit the aesthetics of the development.
- **Render Sample (Condition 3).** A sample of the required render is provided within the accompanying documents to address the requirements of condition 3(c).

JUSTIFICATION

Section 96A of the Town & Country Planning Act 1990, allows non-material amendments to be made to an existing planning permission. Welsh Government have produced a guidance note entitled 'Approving Non-Material Amendments to an Existing Planning Permission'. This sets out a series of tests to be considered in determining whether or not an application qualifies as a non-material amendment.

Paragraph 2.4 of this guidance states the following:

"There is no statutory definition of a 'non-material amendment'. This is because it 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 will vary from one application to another. What may be non-material in one context may be material in another."

Paragraph 2.6 further states

"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."

When assessing and determining whether or not a proposed change would qualify as a non-material amendment the tests set out below apply. For clarity, I have outlined why the proposed amendments to the original planning permission fail to breach the threshold of each test, and therefore why the applicant believes they can be deemed non-material.

Tests 1 & 2 - (a)(i) is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme; and (a)(ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?

The scale of proposed changes, either in isolation or cumulatively do not result in any increase in impact different to that caused by the originally approved scheme. The adjustments are minor in terms of the overall design and will not adversely impact upon neighbouring properties. In fact, given the small reductions to opening heights, deck widths a very minor benefit to amenity considerations to neighbours could be argued. It is accordingly considered that the proposal complies with the requirements of the above tests.

Test 3 -(b) would the interests of any third party or body be disadvantaged in planning terms?

The changes proposed will not fundamentally alter the parameters of the approved development and will therefore not have a detrimental impact on the interests of any third party or body in planning terms.

Test 4- (c) would the proposed change conflict with national or development plan policies?

The original consented scheme was deemed to have been designed in accordance with the relevant national and development plan policies. The proposed amendments do not result in a scheme which is materially different from that already approved and therefore the amended scheme does not result in a conflict with national or development plan policies.

On this basis it is considered that the proposed changes are non-material and thus the application can be determined under S96a of the Town and County Planning Act.

I trust this information is of assistance and look forward to receiving confirmation of receipt, however should you have any queries or would like to discuss in any further detail, please do not hesitate to contact me.

Kind regards



Sam Courtney MRTPI

DIRECTOR

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Enc.