

DELEGATED REPORT

Application No: P/20/0005

Site Address: Keir Hardie Health Park
Aberdare Road
Georgetown
Merthyr Tydfil
CF48 1BZ

Development: Construction of a single storey extension to the existing OPMH day unit (proposal to include alterations to exiting window/door openings)

Case Officer: Caroline Pulley

Site Visit:

Application Expiry Date: 4th March 2020

Consultation reply date expired:

APPLICATION SITE

The application site comprises Keir Hardie Health Park located off Aberdare Road in Merthyr Tydfil. The Health Park contains a three-storey building, which includes community health and GP services, outpatient clinics, therapies, mental health services, and other services. It is served by a large parking area, cycle racks and a bus shelter. It is accessed off Aberdare Road, to the south of Cyfarthfa Retail Park.

The site lies within the settlement boundary – 'Primary Growth Area' and within the 'New/Expanded Community Health Facilities' site, as designated within the Merthyr Tydfil Local Development Plan (LDP) 2006-2021.

PROPOSED DEVELOPMENT

This is an application for a Certificate of Lawfulness for a Proposed Development under Section 192 of the 1990 Act ('CLOPUD') that seeks to establish whether a proposed single storey extension detailed in the submitted plans, would be lawful for planning purposes. In effect, the application seeks to establish whether or not the proposal is 'permitted development' and therefore capable of being carried out without the need for planning permission.

The proposed extension would allow the expansion of the existing dementia care facilities. It would be constructed within an inner courtyard area of the health park and would not be visible from the exterior of the building. It would have a 3.8m high flat roof covering a triangular footprint measuring 22.5m in length and a maximum of 7.2m in width. Positioned along the western elevation would be two sunrooms each measuring 4.4 square metres in area. These two additions would be joined together by a 10m wide roof canopy.

In addition to the above works, it should be noted that the scheme also proposes minor changes to the existing window openings located along the east facing ground floor elevation of the building. The changes would involve the insertion of two access doors and windows. This is to facilitate access to an outside grassed area located along the eastern elevation of the building.

PLANNING HISTORY

P/19/0254 – Proposed extension and other external alterations – Withdrawn 19th November 2019

P/13/0360 - Construct a new two-storey training centre on part of the existing 'Keir Hardie Health Park' car park with associated site works, replanning of a portion of the existing car park and construction of additional car parking to the south of the site. – Approved: 10th January 2014.

P/11/0077 - Erection of cycle shelter and associated landscaping works – Approved: 9th May 2011.

P/10/0365 – Erection of Community Health Facility with associated parking and landscaping (revised scheme) – Approved: 10th February 2011.

P/10/0346 – Erection of extensions and canopies to approved Community Health Facility building – Approved: 10th February 2011.

P/10/0002 – Erection of Community Health Facility with associated car parking and landscaping – Approved: 6th May 2010.

P/09/0052 – Application under section 73 of the Town and Country Planning Act 1990 to extend the time for submission of reserved matters and the commencement of works for a further 3 year period in respect of planning consent P/06/0027 – Approved: 5th June 2009.

P/06/0027 –New Community hospital and associated parking and landscaping – Approved: 21st March 2006.

P/03/0046 – New Community Hospital and associated parking and landscaping – Approved: 24th April 2003.

P/97/0502 – Stowing of redundant culvert following completion of the main diversion works of Nant Rhydygar – Approved: 22nd January 1998

CONSULTATION

The determination of this application does not include any consideration of the planning merits of the case and there are therefore no local development plan policies that need to be taken into account.

PUBLICITY

The application seeks the determination of whether the proposed operations are lawful and no consultation with nearby properties is therefore required to be undertaken.

POLICY CONTEXT

The determination of this application does not include any consideration of the planning merits of the case and there are therefore no local development plan policies that need to be taken into account.

National Guidance

The Development Management Manual provides guidance on the procedural aspects of the development management system.

Welsh Office Circular 24/97: Enforcing Planning Control, Annex 8, deals with 'Lawfulness and the Lawful Development Certificate.'

Paragraph 8.26 states that if the LPA are supplied with information satisfying them that the use or operations described in the application would be lawful, they shall issue a certificate to that effect and, in any other case, they shall refuse the application. The burden of proof is firmly on the applicant.

Paragraph 8.28 advises that a LDC granted under Section 192 shall specify the land to which it relates, describe the use or operations in question (identifying the relevant 'use class' where appropriate), and give the reason why the proposal would be lawful.

PLANNING CONSIDERATIONS

This is an application for a Certificate of Lawfulness for a Proposed Development under Section 192 of the 1990 Act ('CLOPUD'), that seeks to establish whether the proposed single storey extension, as detailed in the submitted plans, would be lawful for planning purposes. In effect, the application seeks to establish whether or not the proposal is 'permitted development' and therefore capable of being carried out without the need for planning permission.

With relevance to this case, Schedule 2, Part 32, Class A of the Town and Country Planning (General Permitted Development) (as amended) 1995 states that the following development is permitted:

'The erection, extension or alteration of a school, college, university or hospital building'

Class A then goes on to list the various criteria to be met by development in order to constitute permitted development. In this respect, it should be noted that the Health Park is deemed to constitute a hospital. It provides a variety of specialised day facilities which go beyond the day to day operation of a doctor's surgery. It is therefore considered that the site benefits from the permitted development rights granted by Part 32 of the Order. This permits extensions up to 25% of the original hospital buildings or 100 square metres, whichever is the lesser. In the case of this proposal, the agent has confirmed that the extension would not exceed 100 square metres. Also, the submitted plans show that no part of the extension would be within 5m of the curtilage of the premises and the height of the building would not exceed 5m. As such, the proposal conforms to the criteria set out in sections b and d of Part 32.

With no restrictive conditions or the removal of permitted development rights having been enforced on this particular premise, it is considered that the evidence submitted adequately indicates the proposal would be classed as permitted development under the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013. Accordingly, it is recommended that a Certificate of Lawfulness be issued.

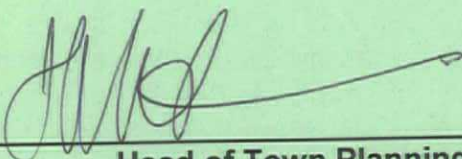
The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly the following recommendation is made:

REASONS:

1. The development is permitted development by virtue of Schedule 2, Part 32, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

13/1/20