

DELEGATED REPORT

Application No: P/22/0197

Site Address: Premier Shop
Twyn Carmel
Swansea Road
Merthyr Tydfil
CF48 1PE

Development: Non-material amendment to planning permission P/20/0222 for the approval of a wider single storey rear extension

Case Officer: Caroline Pulley

Site Visit:

Application Expiry Date: 20th September 2022

Consultation reply date expired:

APPLICATION DETAILS & PLANNING HISTORY

This is an application for a non-material amendment to an existing planning permission for the construction of a rear single storey extension and change of use of an existing garage to a hot food takeaway. The original application was approved under application P/20/0222.

The proposed amendment seeks permission for the retention of a rear extension which has been constructed 0.5m wider than the extension which was approved as part of application P/22/0222. The height of the extension remains unchanged and measures 3.6m high to the ridge of the roof.

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. These four tests have been used in the determination of this application, as set out below.

REASONS FOR REACHING THE RECOMMENDATION

Section 96a of the Town and Country Planning Act 1990 provides the mechanism to approve non-material amendments to an existing planning permission.

Main Issues:

The main issue in determining this application is whether or not the proposed change to the rear extension would constitute a non-material amendment to the development approved under application reference P/20/0222.

As mentioned earlier, the proposal seeks to permission for a rear extension which has been constructed 0.5m wider than the approved plans. As a result of the change, the submitted plans show that extension has been sited 0.35m closer to the northern end elevation of the shop premise. Although it is noted that the change has resulted in the extension being sited closer to the boundary with a neighbouring property (1 Beacons Court), given that the extension has moved less than half a metre closer to the neighbouring property and would be set in from the end elevation of the existing building, it is considered that the interests of any third party or body would not be disadvantaged as a result of this proposal. Overall, it is considered that the scale and nature of the proposed changes would not be great enough to cause an impact different to that caused by the approval approved scheme.

Other Considerations:

The following other considerations have been taken into account in considering the application and in reaching the recommendation set out below.

1. Conditions on the existing permission

There are no conditions on the existing planning permission that would prevent the proposed change.

2. Previous Non-material Amendments

The existing planning permission has not been the subject of any previous applications for non-material amendments.

3. Previous Publicity / Consultation Responses

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.

RECOMMENDATION: BE APPROVED

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

29/7/22