

DELEGATED REPORT

Application No: P/23/0205

Site Address: Llysfaen Care Home
Maesygarreg
Cefn Coed
Merthyr Tydfil
CF48 2NE

Development: Non-material amendments to planning permission P/22/0290 to alter material finishes of elevations and roof, narrow deck access (to include railings underneath), raise cill heights of windows LGW8 and LGW10, and change canopy design above door XD3.

Case Officer: Marlene Ferreira

Site Visit:

Application Expiry Date: 24th October 2023

Consultation reply date expired:

APPLICATION SITE

The application site relates to the former Llysfaen respite care home located off Maesygarreg in Cefn Coed. The property, a 'T' shaped two-storey building, is split in level across the site. It is set back from the highway of Maesygarreg and is served by a small car park, access to which is achieved from a driveway which runs along the eastern boundary. A second vehicular access point is also located off Pearce's Court to the west of the building.

The northern rear elevation of the building faces onto a short overgrown area which bounds the rear gardens of a row of two-storey terraced properties which have a frontage onto the High Street. The western gable elevation faces onto an enclosed hardstanding area, which is at a higher level to the site and is understood to be used in association with a local shop at 104 High Street. The remainder to the western elevation is set in from the boundary and overlooks the highway of Pearce's Court. Due to the levels of the site, part of the western elevation is positioned below the level of the highway and is partially screened by metal fencing. The south facing gable elevation is set in from the road and currently features a white uPVC bay window, which opens out onto a small, fenced off area. A grassed area enclosed by low palisade fencing surrounds the rest of the southern part of the site and provides a buffer between the building and the highway of Maesygarreg.

PROPOSED DEVELOPMENT

Planning permission was recently granted under application P/22/0290 for the conversion of the former respite home into 10 affordable housing flats. As part of the development, the external elevations of the building would be refurbished, which would comprise dormer windows and solar panels. A total of 10 off-road car parking spaces would also be provided.

This application is a non-material amendment application under Section 96A of the Town and Country Planning Act 1990 (TCPA 1990), which seeks planning permission to alter the application details from those approved under planning permission P/22/0290. Specifically, the alterations to the proposal are as follows:

- The finishes of the building were originally proposed to comprise stone slip cladding (charcoal grey) to the lower ground floor elevations, with render above and fibre cement roof tiles. Due to the unavailability of the product, it is now proposed that the lower ground floor elevations be finished in a brown brick slip cladding (Manufacturer: Wetherby Building Systems Ltd; Product Name: WBS 14mm Brick-slip cladding Colour: Mayo Waterstruck (773)). The remaining finishes would comprise of cream rendered elevations above (Manufacturer: Wetherby Building Systems Ltd, Product Name: WBS Heck Silicone 'K' 2.0mm textured render Colour: 2005Y40R) and fibre cement roof slates (Manufacturer: Cedral (formerly Marley) Product Name: Thrutone Colour: Blue Black);
- A raised deck/walkway area was approved to the eastern elevation at first floor, which would serve flats 7 and 10. This was originally proposed to measure 2.4 metres deep. In order to satisfy building control and fire safety requirements, it is now proposed that this be reduced by 0.6 metres and would therefore measure 1.8 metres deep. Below the deck/walkway area, a 0.95 metre high steel railing would also be installed, which would serve flat 2 and would provide a clear separation between the walkway and the adjacent parking area;
- The side facing windows of the lower ground floor of the western elevation shown as LGW8 and LGW9 were originally approved to measure 1.3 metres in height. Given that these windows would be serving kitchen areas, these would need to be reduced to 1 metre in height to accommodate the kitchen cupboards;
- The entrance door into flat 1, on the ground floor of the southern elevation, was originally approved to comprise a canopy supported by posts. In order to provide uniformity between the scheme and avoid the need for excavation/foundation works, it is now proposed to comprise a more modest canopy design which would match the other canopies approved under the original application;

PLANNING HISTORY

The following history is relevant to the consideration of this application:

P/22/0290 - Change of use of respite home to 10 affordable housing flats with associated external works including new dormers and a raised walkway – Approved: 1st February 2023

PUBLICITY AND CONSULTATION

This is an application under Section 96A of the Town and Country Planning Act 1990, thus the existing provisions relating to statutory consultation and publicity for planning applications are not relevant under this application.

POLICY CONTEXT

Section 96A of the Town and Country Planning Act 1990 (TCPA 1990) came into force in Wales on 1st September 2014. The provision in this section of the Act provides the mechanism to approve non-material amendments to an existing planning permission.

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 following tests are therefore relevant to the consideration of the application:

- (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,
(ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity;
- (b) would the interests of any third party or body be disadvantaged in planning terms; or,
- (c) would the proposed change conflict with national or development plan policies.

The following national and local policies of the Merthyr Tydfil Replacement Local Development Plan 2016-2031 are therefore also relevant to the assessment of this application:

National Planning Policies

- The Future Wales – the National Plan 2040 sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Policy 7 addresses the need to deliver affordable homes in Wales at scale and pace. To address a need in the shortage of affordable homes, the national plan states that a more balanced approach with local authorities, registered social landlords and small and medium sized construction companies will be encouraged to build more homes.

- Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. The most relevant sections are:

Section 2.2 notes that “*All development decisions, either through development plans policy choices or individual development management decisions should seek to contribute towards the making of sustainable places and improved well-being*”. Paragraph 2.3 expands on this highlighting that “*the planning system should create sustainable places*”

which are attractive, sociable, accessible, attractive, secure, welcoming, healthy and friendly”.

Sections 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

Section 4.2.17 states ‘*Maximising the use of suitable previously and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites*’.

- Technical Advice Notes (TANs). The most relevant TAN to this application is as follows:-

TAN 2 – Planning affordable housing – provides guidance on the role of the planning system in providing affordable housing.

TAN 5 – Nature conservation and planning sets out the role of the planning system in protecting and enhancing biodiversity and geological conservation.

TAN 12 - Design advises that the Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

Local Planning Policies

- The Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW1 – Provision of New Homes

Policy SW2 – Provision of Affordable Housing

Policy SW3 – Sustainably Distributing New Homes

Policy SW4 – Settlement boundaries

Policy SW9 – Planning Obligations

Policy SW11 – Sustainable design and Placemaking

Policy SW13 – Protecting and Improving Local Community Facilities

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW2 – Internationally and Nationally Protected Sites and Species

Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

Policy EnW4 – Environmental Protection

- Supplementary Planning Guidance (SPG):

SPG1 - Affordable Housing, March 2012

SPG2 – Planning Obligations, March 2012

SPG4 - Sustainable Design, July 2013.

SPG5 – Nature and Development, May 2015

PLANNING CONSIDERATIONS

The issues to consider under this application relate to whether the proposed alterations as previously described, would constitute a non-material amendment to the approved development under application P/22/0290 and whether it would be an acceptable form of development in accordance with the relevant LDP policies.

Main Issues

The proposed alterations do not seek to increase the overall scale of any aspect of the approved development. Instead, it seeks to alter the material finishes of the building, reduce the deck/balcony area at the first floor of the eastern side elevation, introduce new railings at the ground floor of the eastern side elevation, reduce the size of existing windows at the western lower ground floor elevation and alter the design of an entrance canopy to the southern elevation.

In respect of the proposed material finishes, the proposed brown brick slip cladding finish would also provide an appropriate contrast with the proposed render and as such would continue to add interest to the building. These finishes when viewed in association with the proposed roof tiles would also be considered acceptable. As such, the material alterations would be considered a minor variation which would be visually acceptable and in context with the character and appearance of the existing building and surrounding area. It would therefore accord with LDP Policy SW11.

The reduction to the depth of the raised deck/walkway area by 0.6 metres would entail a reduction in its platform size only. The width of the deck area and its enclosure would remain unaltered. Indeed, this would be made smaller and not larger and as such would reduce its visual impact. Thus, this proposed amendment would be considered a minor alteration which would be visually acceptable and would not detract from the character and appearance of the existing building or surrounding area. As such, it would accord with LDP Policy SW11. Likewise, the addition of the 0.95 metre high railings at ground level would also be deemed a minor amendment to the approved scheme. The appearance of the railings match those enclosing the deck/walkway area directly above and as such it would not appear unacceptable within this setting. Indeed, the erection of an enclosure measuring 1 metre high or less would not require planning permission. This alteration would therefore accord with LDP Policy SW11.

The alterations to the windows on the western elevation would not involve a change to the window design. Instead, it would result in a smaller window opening reduced in height by approximately 0.3 metres. The proposed new window sizes would match other approved windows on the building. This alteration would amount to a low-key adjustment which would not have any adverse impact on the appearance of the existing building or the character of the area. As such, it would accord with LDP Policy SW11.

The addition of a new canopy over the front entrance to flat 1 would be considered more acceptable. This would replace another canopy, originally approved with supporting posts, which appeared as an ornate feature on a reserved building. Its replacement with a modest canopy design would not only be identical to other canopies originally approved on other entrances forming part of the approved scheme, but would result in a more uniform

overall development. The replacement canopy would therefore amount to a very minor alteration which would also be considered a more sympathetic form of development. This proposed amendment would therefore not detract from the character or appearance of the existing building or the wider area and would accord with LDP Policy SW11.

With regards to the impact of these amendments upon the amenities of nearby occupiers, it is evident that given the siting of the building and its relationship with neighbouring properties, that a change in the material finishes of the building, the reduction to the depth of the deck/walkway area, the installation of 0.95 metre high railings, the reduction in the size of windows and the replacement of a canopy, would not give rise to an inappropriate or unneighbourly form of development which would have a significant adverse impact upon the amenities of neighbouring residents. The proposed amendments would therefore be considered acceptable in respect of residential amenity and would accord with LDP Policy SW11.

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

It is therefore considered that the proposed alterations to the approved scheme would not have an impact on the appearance of the dwelling or the amenities of nearby residents which would be significantly different to that caused by the originally approved development under planning permission P/22/0290. The proposal is therefore considered a minor form of development which would not detract from the surrounding visual or neighbouring amenities. As such, it would accord with the relevant LDP policies and amount to a non-material amendment to planning permission P/22/0290.

RECOMMENDATION: APPROVED subject to the following **CONDITIONS:**

None

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 26.09.2023