

Date: 30th August 2024

Our Ref: 18.249

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Merthyr Tydfil County Borough Council
Town Planning (Development Control)
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Dear David,

Town and Country Planning Permission Act 1990 (as amended)
Non-Material Amendment application for the variation of condition 1 (approved plans) of
planning consent P/23/0182 granted on 2nd October 2023
Land To The North Of Crabtree Walk And To The West Of Sweetwater Park Trefechan Merthyr
Tydfil
Planning Portal ref. PP-13372134

Asbri Planning Ltd have been instructed by WDL Homes to submit an application for a non-material amendment to vary condition 1 of the above consent to allow for the replacement of plans.

Planning condition 1 states:

"1 The development shall be carried out in accordance with the following approved plans and documents:

- Arboricultural Report (Ref ArbTS_580.7_Land at Trefechan, Dated 18th February 2021 - (as approved under P/20/0121)
- Ecological Impact Assessment V2, Dated 29.04.2021 - (as approved under P/20/0121)
- Drawing title - The Garages, received 15.06.2020 - (as approved under P/20/0121)
- Drawing title - The Caswell Elevations Render, Rev A, Received 28.07.2023
- Drawing title - The Caswell Floor Plan, Rev A, Received 28.07.2023
- Drawing title - The Oxwich Bay Render, received 15.06.2020 - (as approved under P/20/0121))
- Drawing title - The Oxwich Brick, received 15.06.2020 - (as approved under P/20/0121)
- Drawing title - The Oxwich Render, received 15.06.2020 - (as approved under P/20/0121)
- Drawing title - The Windsor Brick, received 15.06.2020 - (as approved under P/20/0121))
- Drawing title - The Windsor Render, received 15.06.2020 - (as approved under P/20/0121)
- Drawing title - The Ashford Elevations Render, received 15.06.2020 - (approved under P/20/0121)
- Drawing title - The Ashford Floor Plans, received 15.06.2020 - (as approved under P/20/0121)
- Drawing title - The Llangenith Render, received 15.06.2020 - (as approved under P/20/0121)
- Drawing title - The Laugharne Brick, received 15.06.2020 - (as approved under P/20/0121)
- Drawing title - The Laugharne Render, received 15.06.2020 - (as approved under P/20/0121)
- Drawing title - The Mewslade Brick, received 15.06.2020 - (as approved under P/20/0121)
- Drawing title - The Aberaeron Render, received 15.06.2020 - (as approved under P/20/0121)
- Drawing title - The Tenby Render, Rev A, Received 28.07.2023
- Drawing title - The Whitland Brick, received 15.06.2020 - (as approved under P/20/0121)
- Drawing title - The Pembroke Brick, received 15.06.2020 - (as approved under P/20/0121)

- Drawing No. TREF-15-04-07, Proposed Street Scenes, Received 15.06.2020 - (as approved under P/20/0121)
- Drawing No. 107-01 Rev A, Site Sections Location Plan, Received 15.06.2020 - (as approved under P/20/0121)
- Drawing No. 107-02 Rev A, Site Sections, Received 15.06.2020 - (as approved under P/20/0121)
- Drawing No. TREF-15-04-50, Additional Site Sections, Received 30.03.2020 - (as approved under P/20/0121)
- Drawing No. 160, Highway Setting Out, Received 04.03.2021 - (as approved under P/20/0121)
- Drawing No. 150-1, Plot Setting Out Sheet 1 of 2, Received 04.03.2021 - (as approved under P/20/0121)
- Drawing No. 150-2, Plot Setting Out Sheet 2 of 2, Received 04.03.2021 - (as approved under P/20/0121)
- Drawing No. 115 Rev A, Road Longitudinal Sections, Received 04.03.2021 - (as approved under P/20/0121)
- Drawing No. 104, S278 Typical Highway Details, Received 04.03.2021 - (as approved under P/20/0121)
- Drawing No. 104-1, S278 Typical Highway Details Sheet 2 of 2, Received 04.03.2021 - (as approved under P/20/0121)
- **Drawing No. 1909TMT.03 Issue 04, Softworks Specification & Schedule, Received 28.07.2023**
- **Drawing No. 1909TMT.02 Issue 04, Overall Landscape Layout, Received 28.07.2023**
- **Drawing No. TREF-15-04-04 Rev C, Boundary Enclosures Layout, Received 28.07.2023**
- **Drawing No. TREF-15-04-06 Rev C, Refuse Collection Layout, Received 28.07.2023**
- **Drawing No. TREF-15-04-03 Rev C, External Materials Layout, Received 28.07.2023**
- **Drawing No. TREF-15-04-05 Rev C, Building Storey Heights Layout, Received 28.07.2023**
- **Drawing no. TREF-15-04-02 Rev G, Planning Layout, Received 28.07.2023**
- **Drawing No. 001-1 rev v, Engineering Layout, Received 28.07.2023**
- Drawing No, TREF-15-04-50-Rev A, Additional Site Sections, Received 28.07.2023

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission."

It is proposed under this application to amend the above condition to the following (amendments in red):

"1 The development shall be carried out in accordance with the following approved plans and documents:

- Arboricultural Report (Ref ArbTS_580.7_Land at Trefechan, Dated 18th February 2021 - (as approved under P/20/0121)
- Ecological Impact Assessment V2, Dated 29.04.2021 - (as approved under P/20/0121)
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- Drawing title - The Caswell Elevations Render, Rev A, Received 28.07.2023
- Drawing title - The Caswell Floor Plan, Rev A, Received 28.07.2023
- Drawing title - The Oxwich Bay Render, received 15.06.2020 - (as approved under P/20/0121))
- Drawing title - The Oxwich Brick, received 15.06.2020 - (as approved under P/20/0121)
- Drawing title - The Oxwich Render, received 15.06.2020 - (as approved under P/20/0121)
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- Drawing title - The Windsor Render, received 15.06.2020 - (as approved under P/20/0121)
- Drawing title - The Ashford Elevations Render, received 15.06.2020 - (approved under P/20/0121)
- Drawing title - The Ashford Floor Plans, received 15.06.2020 - (as approved under P/20/0121)
- Drawing title - The Llangenith Render, received 15.06.2020 - (as approved under P/20/0121)
- Drawing title - The Laugharne Brick, received 15.06.2020 - (as approved under P/20/0121)
- Drawing title - The Laugharne Render, received 15.06.2020 - (as approved under P/20/0121)
- Drawing title - The Mewslade Brick, received 15.06.2020 - (as approved under P/20/0121)
- Drawing title - The Aberaeron Render, received 15.06.2020 - (as approved under P/20/0121)
- Drawing title - The Tenby Render, Rev A, Received 28.07.2023
- Drawing title - The Whitland Brick, received 15.06.2020 - (as approved under P/20/0121)
- Drawing title - The Pembroke Brick, received 15.06.2020 - (as approved under P/20/0121)

- Drawing No. TREF-15-04-07, Proposed Street Scenes, Received 15.06.2020 - (as approved under P/20/0121)
- Drawing No. 107-01 Rev A, Site Sections Location Plan, Received 15.06.2020 - (as approved under P/20/0121)
- Drawing No. 107-02 Rev A, Site Sections, Received 15.06.2020 - (as approved under P/20/0121)
- Drawing No. TREF-15-04-50, Additional Site Sections, Received 30.03.2020 - (as approved under P/20/0121)
- Drawing No. 160, Highway Setting Out, Received 04.03.2021 - (as approved under P/20/0121)
- Drawing No. 150-1, Plot Setting Out Sheet 1 of 2, Received 04.03.2021 - (as approved under P/20/0121)
- Drawing No. 150-2, Plot Setting Out Sheet 2 of 2, Received 04.03.2021 - (as approved under P/20/0121)
- Drawing No. 115 Rev A, Road Longitudinal Sections, Received 04.03.2021 - (as approved under P/20/0121)
- Drawing No. 104, S278 Typical Highway Details, Received 04.03.2021 - (as approved under P/20/0121)
- Drawing No. 104-1, S278 Typical Highway Details Sheet 2 of 2, Received 04.03.2021 - (as approved under P/20/0121)
- **Drawing No. 1909TMT.03 Issue 05, Softworks Specification & Schedule**
- **Drawing No. 1909TMT.02 Issue 05, Overall Landscape Layout**
- **Drawing No. TRE2-22-04-103 Boundary Enclosures Layout**
- **Drawing No. TRE2-22-04-105 Refuse Collection Layout**
- **Drawing No. TRE2-22-04-102 External Materials Layout**
- **Drawing No. TRE2-22-04-104 Building Storey Heights Layout**
- **Drawing no. TRE2-22-04-101 Planning Layout**
- **Drawing No. 001-1 rev X, Engineering Layout**
- Drawing No, TREF-15-04-50-Rev A, Additional Site Sections, Received 28.07.2023

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission."

Proposed Amendments

The proposals comprise the reorientation of plots no. 28 and 29. The prime reason for this is due to site levels and following the commencement of development it is realised that the proposed reorientation will allow the plots to be more suitably located to reduce retaining structures required. As such this is considered to be a positive change for the development reducing over engineering.

Plot 28

- Plot 28 is an Ashford house type and will remain as an Ashford as such no change in terms of parking or number of bedrooms.
- The plot is moved to the west away from no. 27 and as above this reduces retaining structures needed.

Plot 29

- Plot 29 will change from an Ashford house type to an Oxwich
- The Ashford has 4 bedrooms and a garage.
- The proposed Oxwich has 4 bedrooms and a garage.
- As such there is no change in the parking or bedrooms numbers.
- The plot is slightly reorientated again to achieve the best engineering solution.

Section 96a of the Town & Country Planning Act 1990 allows non-material amendments to be made to an existing planning permission. This was brought into effect on the 1st September 2014. The Welsh Government has produced a guidance note entitled 'Approving Non-material Amendments to an Existing Planning Permission' which sets out four tests to be considered in determining whether an application qualifies as a non-material amendment.

It is, therefore, necessary to assess the proposed amendments against the four tests in turn:

(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?

(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?

(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?

The scale of the proposed changes are not great enough to cause an impact different to that caused by the originally approved scheme.

As discussed above the proposals are considered to be a positive change to the site as will provide the best engineering solution possible by reducing the amount of retaining structures needed. The proposal involves one change in house type from an Ashford to an Oxwich. As discussed above the house types are of a similar scale and already approved elsewhere on the site. The scale of the development therefore remains principally as per the original approval.

(a)(ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?

The proposed changes will not result in a detrimental impact either visually or in terms of local amenity. Whilst there is some visual change with the reorientation of plot locations and change in one house type this will not be detrimental to the scheme. The change in house type will result in one less Ashford and the addition of an Oxwich. As above these house types have been approved elsewhere on the scheme and are therefore visually accepted.

The Oxwich has no windows in its side elevations as such will not increase overlooking towards plot 28 or 30. Plots 28 and 29 each have a generous amount of private garden. As such the proposal will not result in negative impacts towards residential amenity.

(b) would the interests of any third party or body be disadvantaged in planning terms;

Similarly to the points discussed above, the proposed amendments will not increase overlooking, there is no change in number of bedrooms or car parking spaces. Therefore no third party bodies, statutory or otherwise, who maintain an interest in this application, would be disadvantaged by the amendments in planning terms.

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

Given the minor nature of the proposed amendment, there is unquestionably no conflict with planning policy on any scale.

It is for these reasons that Merthyr County Borough Council Local Planning Authority is respectfully requested to grant approval of the non-material amendment to vary condition 1 of planning consent P/23/0182 granted on 2nd October 2023.

The planning fee of £115.00 to support the application will be submitted paid promptly. I trust this, and the enclosed is satisfactory in order to approve the application. If you require any further information, please don't hesitate to contact.

Yours Sincerely,



Liam Griffiths | Senior Planner