

DELEGATED REPORT

Application No:	P/23/0018
Site Address:	Land At Honeysuckle Close - South Site Gurnos Merthyr Tydfil
Development:	Non-material amendment to planning permission P/21/0095 to amend condition 2 (Approved Plans) to allow changes to the approved car port, laundry room, bike store and bin store
Case Officer:	Caroline Pulley
Site Visit:	2 nd February 2023
Application Expiry Date:	22 nd March 2023
Consultation reply date expired:	

APPLICATION DETAILS & PLANNING HISTORY

This is an application for a non-material amendment to an existing planning permission for the erection of four Passivhaus dwellings, a laundry room, cycle store and associated works. The original application was approved under application P/21/0095.

The proposed amendment seeks permission to amend condition 2, which relates to the approved plans/documents associated with the application. This is to allow amendments to the laundry room and bike store, bin store and the car port approved at Plot 4 (now referred to in this application as Plot 6).

The key changes proposed to the scheme are detailed as follows:

Laundry Room and Bike Store

- Replace the approved timber slat cycle store (3.6m x 3.6m) which was attached to the laundry room with two detached metal bike lockers, each measuring 0.9m wide, 1.8m long and 1.1m high.
- Reduce the height of the approved laundry building. The laundry building measured 3.12m in height and was to be constructed on a plinth, which took the total height of the building to 3.57m from ground level along its south-western side elevation. The revised drawings show a 0.45m reduction to the height of the changing room building. As a result, the building now measures 2.8m in height with the brick plinth giving the building a total of 3.2m above ground level along the south-western side.

Changes to House Type Plot 4 (now referred to as Plot 6 on this application)

- Replace an integral car port with a detached aluminium framed car port. The car port would have a 2.8m high curved roof supported by two posts along its northern side elevation. The northern side and rear elevation of the car port would be enclosed by 1.8m and 0.9m high hit and miss fencing.
- Provide a 750mm high retaining wall with 900mm high ball top railings on top to the south of the proposed access drive.

Bin Store

- Alter the size of the bin store proposed within the south-western corner of the site. As a result of the change, the new bin store enclosure would measure 2.4m wide by 2.4m in depth. The approved enclosure measured 2m wide by 1.5m deep.

SITE APPRAISAL

A full site appraisal was carried out at the time the existing planning permission was determined and apart from the fact that the development has commenced on site, 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.

In respect of conditions, the guidance advises that Section 96a of the Town and Country Planning Act 1990 enables new conditions to be imposed or existing conditions to be removed or altered providing the resultant effect is a non-material change.

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 list of approved plans and documents set out in condition 2 would constitute a non-material amendment to the development approved under application reference P/21/0095.

The changes proposed to the bin store, laundry room and cycle store and one of the dwellings on the site are minor elements to the overall scheme. Even though it is noted that the change proposed to the car port at house type plot 4 (now referred to as plot 6) would fundamentally alter the design and appearance of this building, it is considered that the nature of the proposed changes on this site would not be great enough to cause an impact different to that caused by the approval approved scheme. Also, given the nature of the amendments being sought and the positioning of the site in relation to nearby residential properties, it is not considered that the interests of any third party or body would be disadvantaged as a result of this proposal. Additionally, the two bike stores, due to their small size, could easily be moved on the site or dismantled and taken away without any degree of difficulty.

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 other 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 a previous application for a non-material amendment.

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 change to the list of plans and documents set out by condition 2 is acceptable as a non-material amendment to the existing planning permission.

RECOMMENDATION: BE APPROVED subject to the following amended condition:

CONDITIONS:

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

Drawing no. 10 received on 25.03.2021

Drawing no. LT2206.04.600 received on 25.01.2023

Drawing no. 06 Rev A received on 25.03.2021

Drawing no. LT2206.99.01 Rev C received on 25.03.2023

Drawing no. LT2206.99.02 Rev C received on 25.03.2023

Drawing no. LT2206.90.101 Rev J received on 25.03.2023

Drawing no. 13 received on 19.05.2021

Drawing no. LT2206.99.03 Rev B received on 25.03.2023

Preliminary Ecological Assessment Version V4.0 received on 21.05.2021

Tree Survey, Categorisation & Constraints Report received on 25.03.2021

South Site: Landscape Works Drawing no. 01 Rev A Date received 02.06.2021

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

INFORMATIVES

1. The developer should note that this application only relates to a non-material amendment to the original permission issued on 2nd June 2021 and as such all other conditions listed on the decision notice for application reference P/21/0095 are still applicable.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

14/2/23