

DELEGATED REPORT

Application No: P/22/0167

Site Address: 32 High Street
Cefn Coed
Merthyr Tydfil
CF48 2PG

Development: Non material amendment to planning permission P/21/0360 to provide separate access to the takeaway and alter window positions

Case Officer: Rebecca Owens

Application Expiry Date: 18th August 2022

APPLICATION SITE

The application relates to an end of terraced dwelling located within the settlement boundary. The property is located in a mixed use area where there are residential, commercial and retail premises. It is bound to the front by a highway, to the rear by flats, to the south eastern side by a newsagents and to the north western side by an estate agents.

PROPOSED DEVELOPMENT

This is an application for a non-material amendment to an approved planning application (Planning Reference: P/21/0360 details below). The approved scheme includes a single access which would serve both the proposed takeaway and existing dwelling which is separate to the shopfront window which comprises of three window panels with a fascia above. This application seeks permission to provide a separate access to the takeaway which would replace one of the existing panels within the approved shopfront in addition, the remaining two panels would be combined to create a single shopfront window pane. In addition, permission is sought to alter the windows within the rear extension. These would be re-sized and re-positioned within the elevation.

PLANNING HISTORY

The relevant planning history is detailed below:

P/21/0360 Change of use of part of ground floor to takeaway (A3 Use Class), extension to rear to be used in association with takeaway external flue and new shopfront
Granted planning permission subject to conditions on 8th March 2022

CONSULTATION

No consultation exercise was undertaken.

PUBLICITY

No publicity exercise was undertaken.

POLICY CONTEXT

Local Policies

The Local Development Plan policies identified during the consideration of the existing planning permission have recently been replaced by the Merthyr Tydfil County Borough Council Replacement Local Development Plans 2016 – 2031. The proposal has already been considered and found to be acceptable, as such the main policies which would now be relevant to the assessment and determination of this non-material amendment are SW11: Sustainable Design and Placemaking. The development with the proposed amendments would comply with this policy.

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 are as follows:

- is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme; and,
- would the proposed change result in a detrimental impact either visually or in terms of local amenity?
- would the interests of any third party or body be disadvantaged in planning terms; or,
- would the proposed change conflict with national or development plan policies?

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 creation of the separate access (and associated changes to the shopfront) and the alterations to the rear extension windows constitute a non-material amendment to the development approved under application reference P/21/0360. In this respect, the main considerations are the impact of the changes on the character and visual amenity of the property itself and the

wider area and the impact they would have on the residential amenities of neighbouring occupants.

The minor changes to the windows in the rear elevation of the extension would have a insignificant impact in terms of their visual impact. In fact, they would result in a slight improvement in that the windows would appear more balanced in this elevation in terms of both their scale, appearance and positioning. The provision of a separate access to serve the takeaway constitutes a greater alteration and one which would be more visible, being located within the front elevation. Whilst the originally approved scheme is considered to be the preferable option, the proposed shopfront with access door included within it, is still deemed to be of an acceptable design and scale. In addition, within the context of the wider street scene, it is not considered that the proposal would have a sufficiently adverse impact as to warrant the refusal of this alternative scheme. Thus, whilst this would result in a notable change to the appearance of the shopfront, the amended shopfront is considered to be acceptable in terms of visual amenity.

The proposal relates to changes to the shopfront and minor alterations to the windows in the rear elevation of the rear extension. These alterations would have no additional impact on the residential amenities of any neighbouring residents and the proposal would not disadvantage the interests of any third party or body in planning terms.

The revised scheme would therefore be acceptable and in accord with Policy SW11 of the Replacement LDP.

Other Considerations:

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

1. There are no conditions on the existing planning permission that would prevent the proposed change.
2. There are no conditions on the existing planning permission that would prevent the proposed change.
3. There were no objections/representations following the original publicity exercise.

CONCLUSION

In conclusion, the proposed amendment is considered to be acceptable and would constitute a non-material amendment to the originally approved scheme. Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED

CONDITIONS:

None.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE: 4/7/22

