

# DELEGATED REPORT

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|--------------------------|---------------------------------------------------------------------------------------------------------|
| Application No:          | P/22/0188                                                                                               |
| Site Address:            | Former Mackintosh Hotel<br>Aberfan Road<br>Aberfan<br>Merthyr Tydfil                                    |
| Development:             | Non material amendment to planning permission P/21/0402 to raise the height of a timber fence enclosure |
| Case Officer:            | Rebecca Owens                                                                                           |
| Application Expiry Date: | 12th September 2022                                                                                     |

## APPLICATION SITE

The application site relates to the former Mackintosh Hotel, an attractive three storey building (with basement level) located in a prominent corner position at the junction of Aberfan Road with Angus Street, in the area Aberfan. The building has been unoccupied for over 10 years, however some renovation works have recently taken place in line with recent planning approvals (see planning history below). The site is located within the settlement boundary in a mainly residential area and is bound by a dwelling to the south, highways to the north and west and a lane to the east.

## PROPOSED DEVELOPMENT

This is an application for a non-material amendment to an approved planning application (Planning Reference: P/21/0402 details below). The approved scheme includes the enclosure of an existing patio area with 1m high feather edge fencing to create a gated garden area. This application seeks to increase the height of this enclosure to 1.5m through the addition of 0.5m high trellising to the top of the fencing. This would be painted grey.

## PLANNING HISTORY

The relevant planning history is detailed below:

P/21/0402    Change of use from hotel (C1 use class) and public house (A3 use class) to residential family assessment service (C2 use class)  
Granted planning permission subject to conditions on 14 February 2022.  
Condition 5 of this permission states:

*“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of the building without the*

*prior submission of a planning application for the consideration of the Local Planning Authority”.*

- P/21/0099     Certificate of lawful development for the proposed use of the existing hotel as an apart hotel  
Certificate of lawful development granted on 14 May 2021
- P/20/0233     Discharge of condition 4 of planning permission P/18/0209 (disposal of surface water)  
Condition discharged on 12 November 2020
- P/18/0209     Change of use to 9 self contained flats at first and second floors. Retain ground floor use as A3 use (for restaurant / cafe /coffee house), to include external alterations  
Granted planning permission subject to conditions on 4 October 2018
- P/03/0054     Change of use from commercial use to residential use  
Granted planning permission subject to conditions on 31 March 2003

## 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 introduction of a trellis to the top of the approved internal fencing would constitute a non-material amendment to the development approved under application reference P/21/0402. In this respect, the main consideration would be the impact of the change on the character and visual amenity of the property itself and the wider area.

As part of the original planning application, the internal fence around the patio area was considered. Due to its elevated position within the site it was noted that it would be visually prominent despite its modest height but given that it could be provided without planning permission and would be largely screened by a proposed privet hedge it was deemed to be acceptable. However, to prevent any further inappropriate boundary treatments and enclosures, which could potentially harm the character of the building and wider area, permitted development rights for enclosures were removed so the visual impact of such development in the future could be controlled. This application seeks to increase the height of the approved fencing to a maximum height of 1.5m by erecting a trellis to the top of the fencing. This would in turn make the enclosure more prominent but given that it would be a trellis which is not a solid panel and the overall height would still be relatively modest it is considered that the impact would not be harmful enough to warrant the refusal of this application. Indeed the painting of the fencing and trellis in a grey colour would help it to blend with the elevations of the building and the privet hedging would help it to be less evident within the street scene. Thus the change is considered to be acceptable in terms of visual amenity.

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 have not been any previous non-material amendments to the originally approved scheme (P/21/0402).
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/REASONS:

None.

**RECOMMENDATION ENDORSED**



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**Head of Town Planning**

**DATE:**

22/7/22