

DELEGATED REPORT

Application No: P/21/0411

Site Address: 74 Pontmorlais
High Street
Merthyr Tydfil
CF47 8UN

Development: Non-material amendment to planning permission P/19/0331 to include the erection of a metal gate at the entrance alcove into the premises

Case Officer: Marlene Ferreira

APPLICATION DETAILS & PLANNING HISTORY

This is an application for a non-material amendment to an existing planning permission (P/19/0331) for refurbishment works to include new roof, reinstate chimney, new shopfront with curved corner and other external alterations.

The proposed amendment seeks to introduce a gate which encloses the front entrance door/alcove to the shop. It would be metal and painted midnight teal (Dulux Colour) and would open inwards. It is required to close off the entrance alcove at night.

The existing planning permission has not been the subject of a previous application for a non-material 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.

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 changes to the approved development would constitute a non-material amendment to the scheme approved under application reference (P/19/0331).

In this instance, the proposal seeks to introduce a gate which would enclose the front entrance door/alcove to the shop. Overall, the change is relatively minor in nature and it is not considered that the provision of the gate to the front would prejudice the interests of any third party or body. It would also not materially affect the nature of the scheme. It is noted that similar gates have been introduced to other shop fronts and thus can be argued that they form part of the character and appearance of the conservation area.

Accordingly, it is considered that the nature of the proposed change would not be great enough to cause an impact significantly different to that caused by the approved scheme. Indeed, a 1m high gate could be installed without the need for planning permission.

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

Taking into account the assessment and any other considerations identified above, it has been concluded that the proposed development is considered acceptable as a non-material amendment to the existing planning permission.

RECOMMENDATION: BE APPROVED

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

14/12/21