

DELEGATED REPORT

Application No: P/20/0019

Site Address: Former Citizens Advice Bureau
Lower Thomas Street
Merthyr Tydfil

Development: Non material amendment to splay external wall at flat 5 (rear courtyard) to accommodate existing right of access to 23 Lower Thomas Street

Case Officer: Marlene Ferreira

Site Visit:

Application Expiry Date: 19th March 2020

Consultation reply date expired:

APPLICATION SITE

The application site relates to the site of the former Citizens Advice Bureau (CAB), the adjacent garage and 24 and 25 Lower Thomas Street, near the town centre in Merthyr Tydfil. It is accessed off Tramroadside North (through the car park). The garage lies to the south of the CAB building and is sited at a higher ground level, accessed by means of a vehicular entrance between 23 and 24 Lower Thomas Street. The ground floor of properties at 24 and 25 Lower Thomas Street were formerly used as offices in association with the CAB. These offices, following the closure of the CAB, have also been vacant since April 2017.

The application site lies within the settlement boundary – Primary Growth Area, Thomastown Conservation Area and adjacent to Merthyr Tydfil Town Centre as designated within the Merthyr Tydfil Local Development Plan (LDP) 2006-2021.

PROPOSED DEVELOPMENT

This is a non-material amendment application, under Section 96A of the Town and Country Planning Act 1990, to an extant planning permission P/18/0403, for the demolition of the Citizens Advice Bureau buildings (including garage) and the construction of a two storey development of 5 flats with associated engineering works, as well as the change of use of the ground floor of 24 and 25 Lower Thomas Street from offices (B1) to flats (C3). The applicant seeks to alter the development from that approved under P/18/0403 by carrying out the following works:

- Splay external wall to the southern side elevation of flat 5 to enable a greater separation between the development and an existing right of way.

PLANNING HISTORY

P/18/0403 - Demolish Citizens Advice Bureau buildings (including garage) and construct a two storey development of 5 flats with associated engineering works, and change of use of ground floor of 24 and 25 Lower Thomas Street from offices (B1) to flats (C3) – Approved: 27th February 2019.

CONSULTATION AND PUBLICITY

This is an application under Section 96A of the Town and Country Planning Act 1990. Thus, the existing provisions relating to statutory consultation and publicity for planning applications do not apply.

POLICY CONTEXT

Local Planning Policies

The Merthyr Tydfil County Borough Council Replacement Local Development Plan (2016 - 2031) (adopted 29th January 2020).

- SW4 – Settlement Boundaries
- SW9 – Planning Obligations
- SW11 – Sustainable Design and Placemaking
- SW12 – Improving the Transport Network
- SW13 – Protecting and Improving local Community Facilities
- CW1 – The Historic Environment
- EnW1 – Nature Conservation and Eco System Resilience
- EnW2 – Internationally and Nationally Protected Sites and Species
- EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Protected Species

Additional Guidance

- 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:

(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?

PLANNING CONSIDERATIONS

The issues to consider under this application relate to whether the proposed alteration would constitute a non-material amendment to the approved development and whether it would be an acceptable form of development in accordance with the relevant LDP policies.

Main Issues:

The proposed amendment shows that the southern side elevation wall, which would serve the kitchen/living area of flat 5, would be splayed in order to provide a greater distance, of at least an additional 0.6 metres, from the garden boundary wall of 23, Lower Thomas Street to the southern side elevation of the new development. This proposed alteration would move the development further away from an existing right of access. The proposed amendment would therefore comply with LDP Policy SW11.

Given the nature and scale of the development and the fact that the proposed alteration would be sited to the rear part of the site, the proposed alteration would not be visible within the front or rear street scene. It is therefore considered that the appearance of the development would not be substantially affected as a result of this alteration and as such would not detract from the character or appearance of the premises or the character and appearance of the conservation area. The proposed amendment would therefore comply with LDP Policies SW11 and CW1.

The proposed alterations, for the reasons explained above, would therefore amount to a non-material change which would not cause harm to the character and appearance of the development or the conservation area, nor would it harm the amenities of nearby occupiers and would therefore comply with the relevant policies.

Other Considerations:

The following considerations have also been taken into account in the assessment of the application and in reaching the recommendation set out below:

1. Conditions on the existing permission

There are no conditions on the extant planning permission that would prevent the proposed change.

2. Previous Non-material Amendments

The extant planning permission has not been the subject of any previous applications for non-material amendments.

3. Previous Publicity / Consultation Responses

During the consideration of the original application P/18/0403, objections were received following the publicity exercise which raised concerns in respect of the impact the proposed development would have on the existing right of access, potentially resulting in the loss of the external access into the rear of the property 23, Lower Thomas Street. As discussed above, the proposed alterations seek to provide a greater separation between the right of access and the development, and thus, there would be no disadvantage to third party interests.

Conclusion

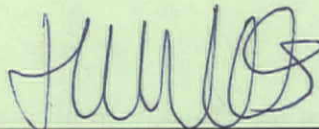
Having assessed the proposed development, it has been concluded that it is considered acceptable as a non-material amendment to the extant planning permission, P/18/0403.

Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

None

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

12/2/20