

DELEGATED REPORT

Application No: P/21/0105

Site Address: Land To The Rear Of Cherry Tree Way
Trelewis
Treharris

Development: Non-material amendment to planning permission P/19/0307 to replace integral garage with wheelchair store room and playroom

Case Officer: Caroline Pulley

Site Visit:

Application Expiry Date: 24th May 2021

APPLICATION DETAILS & PLANNING HISTORY

This is an application for a non-material amendment to an existing planning permission for a proposed bungalow approved under application reference P/19/0307.

The current proposed amendment seeks to replace an integral garage with a wheel chair store room and playroom. The front garage door would remain in situ and would serve the wheel chair store room. The play room would form a second floor and would be served by a side facing high level window which would be positioned 1.8m from ground level.

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

SITE APPRAISAL

A full site appraisal was carried out at the time the existing planning permission was determined and 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.

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 would constitute a non-material amendment to the development approved under application reference P/19/0307.

In this instance, the replacement of the integral garage would not materially alter the nature of the scheme nor would it impinge upon highway safety as an appropriate level of off-road parking would continue to be provided within the curtilage of the dwelling. It is acknowledged that the playroom would be served by a side facing window. However, given that the approved scheme included a larger window in this elevation, it is not considered that the change would prejudice the interests of any third party would be prejudiced by the changes. Moreover, the window would be positioned at a high level (1.8m above ground level). Lastly, it should be noted that the garage could be converted under permitted development rights without permission once the bungalow had been built.

Taking into account the above, it is considered that the scale and nature of the proposed changes 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, it is not considered that the interests of any third party or body would be disadvantaged as a result of this proposal.

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

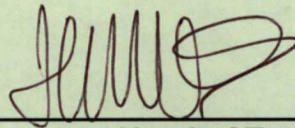
The existing planning permission was not the subject of any previous publicity / consultation responses that relate to the proposed changes.

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:

8/4/21