

DELEGATED REPORT

Application No: P/22/0198

Site Address: 2 Morlais Buildings
High Street
Merthyr Tydfil
CF47 8UL

Development: Non-material amendment to planning permission P/20/0037 for replacement of one timber window and one uPVC window to rear with two double glazed timber windows. Replacement of two uPVC doors with two timber composite doors

Case Officer: Caroline Pulley

Site Visit:

Application Expiry Date: 26th September 2022

Consultation reply date expired:

APPLICATION DETAILS & PLANNING HISTORY

This is an application for a non-material amendment to an existing planning permission for the refurbishment of 2 Morlais Buildings and the change of use of the first and second floors to provide two-one bedroom flats. The proposal included a new shop front and the demolition of a rear garage to provide a new parking area. The original application was approved under application P/20/0037.

The proposed amendment seeks permission to replace one timber window and one uPVC window to rear with two double glazed timber windows. Also, it seeks to replace two uPVC doors with timber composite doors.

It is noted that plans submitted with this application also show some other changes to the scheme. However, this application merely seeks permission to change two window openings and two door openings only. As such, this application considers these changes only.

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 change to the rear extension would constitute a non-material amendment to the development approved under application reference P/20/0037.

As mentioned earlier, this proposal seeks to replace a timber and uPVC window with new timber windows and two white uPVC doors with timber composite doors. No new openings are proposed as part of this application and the proposed materials would enhance and preserve the character and appearance of the conservation area. Also, given that the proposal merely seeks to provide replacement window and door units, the interests of third parties would not be disadvantaged as a result of this proposal. Overall, 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.

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

INFORMATIVES

1. The developer should not that this permission solely relates to the replacement of two windows and two doors only and does not permit any other change to the approved scheme.
2. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

3. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1>) is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

21/8/22