

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2015/0418	<u>DATE:</u> 28/05/2015
PROPOSAL:	Non-material amendment to planning permission P2013/1086 (Approved on the 01/04/2014) to remove conditions 5, 6 & 7 in relation to Code for Sustainable Homes.
LOCATION:	PLOT ADJACENT TO GWALIA HOUSE, 1B NEW ROAD, CILFREW, NEATH SA10 8LL
APPLICANT:	Mrs Doreen Jones
TYPE:	Non Material Amendment (S96A)
WARD:	Aberdulais

This application is presented to Planning Committee as the named applicant is Councillor Doreen Jones.

The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2014 came into force on 1 September 2014. This inserts a new article 28A into the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) which “applies to an application made under section 96A(4) of the 1990 Act (power to make non-material changes to planning permission)”.

DESCRIPTION OF DEVELOPMENT

This is an application under s96A of the 1990 Act to remove conditions 5, 6 & 7 in relation to the need to meet specific Code for Sustainable Homes standards and submit appropriate certificates to demonstrate such compliance.

CONSULTATIONS / NOTIFICATIONS

An application made under s96A is not an application for planning permission, such that existing DMPWO provisions relating to statutory consultation and publicity do not apply.

LPAs have discretion in whether and how they choose to inform other interested parties or seek their views, although given that the changes sought will be non-material in nature, it is not expected that consultation or publicity will be necessary in the majority of cases.

In this case it was considered not necessary to notify consultees or neighbours in respect of the amendment sought given their minor nature.

ASSESSMENT OF PROPOSED AMENDMENT

Non-material amendments to an existing planning permission are normally small changes to an approved development proposal that have no impact on the overall context of the development scheme or its surroundings.

The responsibility for determining whether a proposed change is non-material lies with the local planning authority. It must be satisfied that the amendments sought to the planning permission are non-material in nature and can therefore be determined as an application under Section 96A of the TCPA 1990.

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.

When assessing and determining whether or not a proposed change would qualify as a non-material amendment, local planning authorities are advised to consider a number of 'tests', which are considered in turn below:

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;

No, the application is for removal of conditions 5, 6 and 7 in relation to Code for Sustainable Homes only. The proposal to remove Code conditions complies with National and Local Policies as TAN 22 has been withdrawn by Welsh Government. As such, there would be no greater impact over and above the originally approved scheme.

A (ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?

No, there would be no additional impact on visual or residential amenity over and above the originally approved scheme.

B. Would the interests of any third party or body be disadvantaged in planning terms?

No, the interests of any third party or body would not be disadvantaged in planning terms.

C. Would the proposed change conflict with National or Development Plan policies?

No. The proposal to remove Code conditions complies with National and Local Policies as TAN 22 has been withdrawn by Welsh Government.

The above tests are considered a 'starting point' for local planning authorities in their consideration of non-material amendments. There may be other considerations that will identify if a proposed amendment is non-material depending on the circumstances of each case.

Are there any other circumstances which affect whether or not the amendment sought is considered to be non-material?

It is considered that there have been no material changes in circumstances since the original application was approved.

Have there been any other amendments to the original approved development? If so, do they affect conclusions of whether the changes sought are a Non-material? If so, why.

No

If accepted to be a non-material amendment, are any additional conditions required in respect of the non-material amendment sought?

No

Having regard to the above assessment, the following recommendation is made

RECOMMENDATION

Approval with no Conditions