

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2015/0635	<u>DATE:</u> 09/07/2015
PROPOSAL:	Non-material amendment to planning permission P2013/1086 (Approved on the 01/04/2014) to incorporate new first floor window to rear elevation, reduction in size of rear balcony / French doors and realignment of rear fenestration
LOCATION:	Gwalia House, 1b New Road, Cilfrew, Neath SA10 8LL
APPLICANT:	Mrs Doreen Jones
TYPE:	Non Material Amendment (S96A)
WARD:	Aberdulais

Proposed Non-Material Amendment to Existing Planning Permission

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 make amendments to an approved planning permission. The proposed amendments relate to alterations to the approved plans to incorporate a new first floor window to rear elevation, reduction in size of rear balcony / French doors and realignment of rear fenestration.

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;

The proposed amendment relates to minor alterations to the rear elevation of the approved plans. These alterations include:

- New first floor window
- Reduction in size of balcony and narrow French doors
- General realignment of fenestration

The amendments do not involve a change in the scale of the original building and as a result are not deemed to cause an impact different to the original approved development scheme.

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

Despite the addition of a new window to the rear elevation, the alterations proposed will not result in any additional impact upon residential amenity. For example, the proposal will still comply with the authority's privacy standard that requires a minimum distance of 21m between habitable room windows directly facing each other.

It is noted that the appearance of the rear elevation would be altered. However, given the location of the dwelling, together with the fact that the alterations are minor in nature, no detrimental impacts are anticipated in terms of visual amenity.

It is therefore considered that the amendments sought would not cause an impact different to that caused by the original approved scheme.

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

The minor amendments are not considered to be significant and would not have a detrimental impact on cause any disadvantages in planning terms for any third party or body.

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

No, the proposed amendments would be consistent with Local and National Planning Policies.

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.

There has been one other non-material amendment application approved, which related to the removal of conditions 5, 6 & 7 in respect to Code for Sustainable Homes. However, this previous application does not affect the conclusions of whether the changes sought in this application are Non-material.

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:

That the amendment sought is APPROVED as a non-material amendment