

Application Reference: 48C182B/MIN

Description: Minor amendments to scheme previously approved under planning permission 48C182 so as to remove conditions (12), (13) and (14) (code for sustainable homes) together with the addition of a condition (the development shall be in accordance with the submitted plans) under planning permission 48C182A/DA on land adjacent to

Site Address: Bryn Twrog, Gwalchmai



Report of Head of Regulation and Economic Development Service (Gwen Jones)

Recommendation: Permitted

Reason for Reporting to Committee

The applicant is related to a relevant officer and the file has been reviewed by the Monitoring Officer.

Proposal and Site

The application site is located outside the development boundary of Gwalchmai. The plot of land is located next door to a property known as 2 Bryn Twrog, Gwalchmai.

Key Issues

Whether or not the proposed changes have a material effect and whether the changes proposed are minor in nature compared with the approved application.

Policies

Joint Local Development Plan

Policy PCYFF 2: Development Criteria
Policy PCYFF 3: Design and Place Shaping

Response to Consultation and Publicity

Consultee	Response
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There is no requirement to carry out publicity with Minor planning applications. Therefore no publicity was carried out on this occasion.

Relevant Planning History

48C182 - Outline application for the erection of an affordable dwelling, construction of a vehicular access together with the installation of a treatment plant on land adjacent to Bryn Twrog, Gwalchmai - Approved 18-3-14

48C182A/DA - Application for approval of reserved matters for the erection of a dwelling on land adjacent to - 2 Bryn Twrog, Gwalchmai - 14/5/15 - Granted

Main Planning Considerations

The Welsh Government have published "Planning Guidance: Approving Non-material amendments to an Existing Planning Permission" which is helpful in setting out the "starting point" in determining what may be deemed as being "non-material". It states:

"2.6 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 non-material amendment, local planning authorities may wish to consider the following tests:

- (a)(i) is the scale of the proposed change great enough to cause an impact different to that caused by the original approved 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?

2.7 The 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 amendments is non-material depending on the circumstances of each case.

The proposed amendments to the permission are as follows:-

Deletion of the Code for Sustainable Homes conditions attached to the planning permission along with the insertion of a condition to specify that the development must be undertaken in accordance with the approved plans in order to allow the applicant to submit an application under s73 to vary the approved design.

Under TAN 22 new housing development was required to meet the requirements of the Code for Sustainable Homes and there was a policy requirement to impose planning conditions to meet that objective. In its clarification letter of 5th June 2014 however the Welsh Government through its Minister for Housing and Regeneration announced the withdrawal of the policy on 31st July 2014. The removal of these conditions does not affect the overall character of the scheme.

Inclusion of a condition specifying that the development must be undertaken in accordance with the approved drawings is a minor change in the decision notice. Decisions are now required to list the approved drawings.

Conclusion

Minor changes to the conditions are proposed which are not considered to affect the character of the scheme or the amenities of the locality.

Having considered the above and all other material considerations my recommendation is that the proposed amendments are deemed to be non-material and therefore be approved under Section 96A of the Town and Country Planning Act 1990. This decision should be read in conjunction with conditions imposed on planning permissions 48C182 and 48C182A/DA.

Recommendation

Approved under Section 96A of the Town and Country Planning Act 1990.

The decision should be read in conjunction with the conditions imposed on planning permission 48C182 and 48C182A/DA

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.