

DELEGATED REPORT

Application No: P/24/0225

Site Address: Land At Pant Industrial Estate
Pant
Merthyr Tydfil

Development: Non material amendment to planning permission P/23/0226 to interchange the positions of a bin store and substation

Case Officer: Rebecca Owens

Application Expiry Date: 20th November 2024

Consultation reply date expired:

APPLICATION SITE

The application site comprises a vacant plot of land within the north-eastern section of Pant Industrial Estate. The site has an area of approximately 0.5ha. It is rectangular in shape and is predominantly flat, although it is set down from the highway to the north by approximately 2m. Its boundaries are enclosed by palisade fencing. The site is bound by industrial units on both sides, the highway to the north and the side wall of another industrial unit to the rear. The nearest residential dwellings are approximately 67m to the north-east of the site and they are separated by two highways and an intervening row of industrial buildings.

PROPOSED DEVELOPMENT

This is an application for a non-material amendment to a recently approved planning application for the erection of industrial units (Use Classes B1, B2, B8) and associated works (Planning Reference: P/23/0226). The application seeks permission to interchange the positions of the bin store and sub stations located in the south western section of the site.

PLANNING HISTORY

The relevant planning history is detailed below:

P/23/0226	Removal of conditions 11 and 13 and variation of conditions 2, 3, 5, 6 and 12 of planning permission P/20/0109 Granted planning permission subject to conditions on 6 November 2023
P/20/0109	Erection of industrial units (Use Classes B1, B2, B8) and associated works Granted planning permission subject to conditions on 12 August 2020

CONSULTATION

No consultation exercise was undertaken.

PUBLICITY

No publicity exercise was undertaken.

Local Planning Policies

Of the policies identified in the original planning application, Policy SW11: Sustainable design and place making of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 is relevant to the determination of this planning 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 are as follows:

- is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme; and,
- would the proposed change result in a detrimental impact either visually or in terms of local amenity?
- would the interests of any third party or body be disadvantaged in planning terms; or,
- would the proposed change conflict with national or development plan policies?

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 interchanging the siting of the substation and bin store would constitute a non-material amendment to the development approved under application reference P/23/0226. In this respect, the main considerations are the impact of the change and both visual and residential amenity, ecology, parking and highway safety.

The proposal would result in a minor alteration to the layout approved with the substation and bin store (located in the south western section of the site) being swapped with one another. It is not considered that this would have any adverse visual impact. The proposed development would still be deemed to be of an acceptable design and layout which would not adversely impact on the character of the area. Therefore, the proposal would still comply with policy SW11 of the LDP.

The proposed alteration would also have no impact on the proposed service road, turning facilities or indeed the access into the site and visibility splays. As such the amended proposal would not have any implications on parking or highway safety and would remain acceptable in this respect.

The amendments would not have any additional impact on ecology or protected species and do not impact on the onsite enhancements measures proposed (which include the siting of two bat boxes and four bird boxes). As such, the proposal complies with policy EnW1 of the LDP.

With respect to the effect on neighbouring properties, the amendments would not have any significant impact. The closest residential properties are located approximately 65m north-east of the site and the proposed alterations are relatively minor in nature and scale. As such there would be no additional harm from this scheme and the proposal would continue to be acceptable in terms of residential amenity.

The revised scheme would therefore be acceptable and remain in accord with Policy SW11 of the Replacement LDP.

Other Considerations:

The following have been taken into account in considering the application and in reaching the recommendation set out below.

1. There are no conditions on the existing planning permission that would prevent the proposed change.
2. It is noted the approved scheme under planning permission P/23/0226 was itself a section 73 application which amended an earlier planning permission (Ref: P/20/0109) via the removal and variation of conditions. However, this would not impact on the change being considered under this application and when considered cumulatively, the alterations are still considered to be minor to the overall scheme.
3. No representations were received following the original publicity exercise.

CONCLUSION

In conclusion, the proposed amendment is considered to be acceptable and would constitute a non-material amendment to the originally approved scheme. Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED

CONDITIONS:

None.

RECOMMENDATION ENDORSED

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Director of Neighbourhood Services

DATE: 07.10.2024