

DELEGATED REPORT

Application No: P/25/0111

Site Address: Land At Pavilion And Changing Rooms
Pantyyfyn Road
Penyard
Merthyr Tydfil

Development: Non material amendment to planning permission P/23/0216 to reposition rear extension

Case Officer: Rebecca Owens

Application Expiry Date: 17th June 2025

APPLICATION SITE

The application relates to Mountain Hare Rugby and Football fields. The fields lie adjacent to one another with the rugby ground occupying a higher level than the football pitch to the south-west. There is also a building to the north east of the site which provides changing facilities. The site is situated within a mainly residential area within the settlement boundary and the site is also classed as an Open Space within the Local Development Plan.

PROPOSED DEVELOPMENT

This is an application for a non-material amendment to a recently approved planning application which included an extension to the existing to the rear elevation of the existing building (Planning Reference: P/23/0216). This application seeks permission to reposition this extension so rather than be in line with the south eastern facing side elevation, it is set back from this by 1.35m. The amendment is required due to a public sewer which runs through the site. The extension would remain of the same size and design as approved.

PLANNING HISTORY

The relevant planning history is detailed below:

P/24/0249	Non material amendment to planning permission P/23/0216 to reduce the size of the extension Approved subject to condition on 4 April 2024
P/23/0216	Extension to existing changing rooms and new boundary fence to lower pitch Granted outline planning permission subject to conditions on 12 September 2024
P/22/0118	Provision of access and car parking, CCTV cameras, storage container, dug outs, fencing with associated access gates and pitch side rail Granted outline planning permission subject to conditions on 1 July 2022

- P/20/0187 New footpath linking changing rooms to football pitch
Granted planning permission subject to conditions on 14 September 2020
- P/00/0037 Siting of portable building for use as additional changing rooms, stores and associated use.
Granted planning permission subject to conditions on 23 March 2000

CONSULTATION

No consultation exercise was undertaken.

PUBLICITY

No publicity exercise was undertaken.

Local Planning Policies

Of the policies identified in the original planning application, the following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 would be relevant to the determination of this planning application.

- Policy SW11: Sustainable design and place making
- EnW1: Nature Conservation and Ecosystem Resilience
- EnW2: Internationally and Nationally Protected Sites and Species

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 the repositioning of the rear extension would constitute a non-material amendment to the development approved under application reference P/23/0216. In this respect, the main considerations are the impact of the change on both visual and residential amenity and ecology.

The proposal would reposition the proposed extension by 1.35m, with the overall design and scale remaining as approved. It is considered that this would represent a minor alteration that would not impact on the overall visual impact of the scheme. Thus, 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.

With respect to the effect of the amendment on neighbouring properties, and noting the distance of the extension from the nearest residential dwelling, it is not considered that the alteration would have any significant impact on residential amenity. As such there would be no additional harm from this scheme and the proposal would continue to be acceptable in terms of residential amenity.

Finally, the amendments would not have any additional impact on ecology or protected species and do not impact on the onsite enhancements measures proposed. As such, the proposal complies with policy EnW1 of the LDP.

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. Whilst there has been a previous non-material amendment to the originally approved scheme (P/24/0249), the culminative impact of the changes are still deemed to be acceptable and represent a non material amendment.
3. Whilst representations were received following the original publicity exercise, none of these related directly to the extension and were concerned mainly with other aspects of the original development.

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

A handwritten signature in black ink, appearing to be 'M. J. [unclear]', written over a horizontal line.

Director of Neighbourhood Services

DATE: 29.04.2025