

Our Ref: 23.162
Date: 9th March 2026

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Town Planning Division,
Merthyr Tydfil County Borough Council,
Unit 5,
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Dear Sir/Madam,

Town & Country Planning Act 1990 (as amended)
Non-Material Amendment application to vary Condition 2 (List of Approved Plans), Condition 8 (Parking Facilities), 13 (Biodiversity Enhancements) and Condition 15 (EVC Charging) of planning permission P/24/0034
Land to the North of Goitre Lane, Merthyr Tydfil
Planning ref: P/26/0031

Asbri Planning is acting as agent on behalf of Morgan Sindall in respect of a Non-Material Amendment application to vary Condition 2 (List of Approved Plans) Condition 8 (Parking Facilities), 13 (Biodiversity Enhancements) and Condition 15 (EVC Charging) of planning permission P/24/0034 for the construction of a new Primary School including access, landscaping, play / sports pitches, parking, external works, swale, plant and associated works at the land to the north of Goitre Lane, Merthyr Tydfil.

Background

The site benefits from an extant planning permission P/24/0034 for the following development, approved on the 1st of August 2024:

"Construction of a new Primary School including access, landscaping, play / sports pitches, parking, external works, swale, plant and associated works (Full)"

Planning History

The following planning history is relevant to the proposals:

Application ref.	Description	Decision
P/96/0284	2 class mobile - classroom	Temporary Approval 16 Aug 1996
P/24/0034	Construction of a new Primary School including access, landscaping, play / sports pitches, parking, external works, swale, plant and associated works	Approved 01 Aug 2024
P/25/0060	Discharge of condition 10 (material finishes) of planning permission P/24/0034 relating to a new primary school.	Approved 24 Mar 2025
P/25/0303	Discharge of Condition 6 of P/24/0034 - grease tap	Approved 28 Nov 2025

The Proposal

The proposal involves minor amendments to the approved plans, as listed below:

- Addition of a substation near access point for increased accessibility for maintenance purposes.
- Minor extension to swale area along the northern boundary to align with the existing site ground levels.
- Removed the window to the immersion room towards the west wing (no. G.091-ED01 on north elevations), and swapped the door and window in the east wing alongside the infant staff room which was previously an open corridor (no's G.026-W01/G.026-ED01 on south elevations).
- Extension to the bin store for a sports equipment shed towards the west of the car park and reconfiguration of plant and equipment.

The proposed NMA relates to the originally approved plans highlighted in yellow below:

Condition 2 within the official decision notice states:

"2. The development shall be carried out in accordance with the following approved plans and documents:

Site Location Plan 26CB01-LAW-XX-GF-DR-A-039-0001-P02

Ground Floor Plan GA 26CB01-LAW-XX-GF-DR-A-061-1001_P04

Roof Plan GA 26CB01-LAW-XX-GF-DR-A-061-1002_P02

Proposed North, West, East & South Elevation 26CB01-LAW-32-XX-DR-A-062-2100_P03

Proposed Sections 26CB01-LAW-XX-GF-DR-A-063-001_P03

Existing Site Plan 26CB01-LAW-30-GF-D-A-039-002_P01

Proposed Site Plan 26CB01-LAW-30-00-D-A-069001_P00

Vehicle Swept Path Analysis - Fire Tender CC2538-CAM-XX-XX-DR-C-0100-P04

Vehicle Swept Path Analysis - Refuse CC2538-CAM-XX-XX-DR-C-0101-P04

Vehicle Swept Path Analysis - Standard Rigid Bus CC2538-CAM-XX-XX-DR-C-0102-P04

Vehicle Swept Path Analysis - Rigid Truck CC2538-CAM-XX-XX-DR-C-0103-P03

Vehicle Swept Path Analysis - Standard Design Vehicle CC2538-CAM-XX-XX-DR-C-0104-P03

Proposed External Hard Works 26CB01-CAM-50-XX-D-C-1100-S4-P04

Proposed Levels Plan 26CB01-CAM-51-XX-D-C-0600-S4-P04

General Arrangement Plan 26CB01-CAM-52-XX-D-C-0002-S4-P01

Proposed Surface Water Drainage Plan 26CB01-CAM-52-XX-D-C-0504-S4-P03

Proposed Foul Water Drainage Plan 26CB01-CAM-52-XX-D-C-0509-S4-P03

Pitch Drainage Construction Details 26CB01-CAM-52-XX-D-C-1105-S4-P02

Drainage Construction Details 26CB01-CAM-52-XX-D-C-1106-S4-P02

Drainage Construction Details 26CB01-CAM-52-XX-D-C-1107-S4-P02

Proposed Catchment Plan 26CB01-CAM-53-XX-D-C-1500-S4-P03

External Services Plan 26CB01-WSP-73-00-D-ME-500301_P02

Landscape and GI Constraints and Opportunities Plan 2387201-SBC-00-XX-DR-L-300-PR02

Tree Pits and Hedge Details 2387201-SBC-00-XX-DR-L-500-PR01

Strategic Soft Landscape Plan 26CB01-SBC-00-XX-DR-L-0400_P04

External Areas Calculations 26CB01-SBC-00-XX-DR-L-0401_P03

West off-site habitat compensation sketch design 26CB01-SBC-00-XX-DR-L-0402_P04

South off-site habitat compensation sketch design 26CB01-SBC-00-XX-DR-L-0403_P04

Biodiversity Enhancement Plan 26CB01-SBC-00-XX-DR-L-0405_P01

Biodiversity Strategy V2 14th May 2024 Ecological Services

Ecological Impact Assessment V2 13th May 2024
 Ecology & Landscape Addendum V1 9th May 2024
 Invertebrate Survey Report October 2022
 Phase One Ecology Report
 Reptile Survey Report 30th October 2023
 Bats and Tree Survey 12th February 2024
 Project Specific Method Statement Morgan Sindall
 GI Statement Rev F 15 05 24 (Soltys Brewster)
 Remediation Strategy 15th March 2024 (Ashfield)
 Arboricultural Report 8th April 2025 (ArbTS)
 Planning Statement February 2024 (Asbri Planning)
 Design and Access Statement February 2024 (Lawray Architects)
 Transport Assessment February 2024 (Asbri Transport)
 Travel Plan February 2024
 Acoustic Report (Formant Ltd)
 Baseline Noise Survey Report
 Energy Statement February 2024 WSP
 Site Investigation Report November 2023 (Integral Geotechnique)
 Archaeological and Heritage Desk-Based Assessment January 2024 EDP

Reason - To ensure compliance with the approved plans and clearly define the scope of the permission."

The below identifies which plans are to be replaced and any new plans.

Approved	Proposed
Proposed Levels Plan 26CB01-CAM-51-XX-D-C-0600-S4-P04	Proposed Levels Plan - 26CB01-CAM-51-XX-D-C-0600-A5-C03
General Arrangement Plan 26CB01-CAM-52-XX-D-C-0002-S4-P01	General Arrangement Plan - 26CB01-CAM-52-XX-D-C-0002-A5-C03
Proposed Surface Water Drainage Plan 26CB01-CAM-52-XX-D-C-0504-S4-P03	Proposed Surface Water Drainage Plan (Overview) - 26CB01-CAM-52-XX-D-C-0504-A5-C08
Proposed Foul Water Drainage Plan 26CB01-CAM-52-XX-D-C-0509-S4-P03	Proposed Foul Water Drainage Plans (Overview) - 26CB01-CAM-52-XX-D-C-0509-A5-C05
Proposed Catchment Plan 26CB01-CAM-53-XX-D-C-1500-S4-P03	Proposed Catchment Plan - 26CB01-CAM-53-XX-D-C-1500-S4-P04
Biodiversity Enhancement Plan 26CB01-SBC-00-XX-DR-L-0405_P01	Biodiversity Enhancement Plan - 26CB01-SBC-30-XX-D-L-0405-P04
West off-site habitat compensation sketch design 26CB01-SBC-00-XX-DR-L-0402_P04	West off-site habitat compensation sketch design - 26CB01-SBC-30-XX-D-L-0402-P07
Strategic Soft Landscape Plan 26CB01-SBC-00-XX-DR-L-0400_P04	Strategic Soft Landscape Plan - 26CB01-SBC-30-XX-D-L-0400-P06
Proposed North, West, East & South Elevation 26CB01-LAW-32-XX-DR-A-062-2100_P03	North, West, East & South Elevation - 26CB01-LAW-32-XX-D-A-062100-C04
Ground Floor Plan GA 26CB01-LAW-XX-GF-DR-A-061-1001_P04	MASTER GA Plan - 26CB01-LAW-31-00-D-A-061108-C13
External Areas Calculations 26CB01-SBC-00-XX-DR-L-0401_P03	External Areas Calculation - 26CB01-SBC-30-XX-D-L-0401-P06
Proposed Site Plan 26CB01-LAW-30-00-D-A-069001_P00	Proposed Block Plan - 26CB01-LAW-30-00-D-A-069001_C03
Proposed External Hard Works 26CB01-CAM-50-XX-D-C-1100-S4-P04	26CB01-CAM-50-XX-D-C-1100-C05 Proposed External Hard Works Plan

External Services Plan 26CB01-WSP-73-00-D-ME-500301_P02	26CB01-MIT-30-XX-D-OE-0001 External Service Plan
Additional plans to be included	
	Proposed East & West Elevation - 26CB01-LAW-32-XX-D-A-062102-C02
	Proposed North and South Elevation - 26CB01-LAW-32-XX-D-A-062101-C02
	Substation Plan HAC-0820361.1.01-INTAKE Rev C-A1

As a result of the revised site plan the following conditions require updates:

Original condition	Proposed rewording
8) The parking facilities shall be laid out in accordance with the Proposed Site Plan (Drawing No. 26CB01-LAW-30-00-D-A-0690011 - P00) and constructed in consolidated materials, details of which shall first be submitted to and approved in writing by the Local Planning Authority prior to the beneficial occupation of the school building. The development shall be completed in accordance with the approved details prior to the beneficial occupation of the school building and the parking and turning area shall remain available for such purpose at all times thereafter.	8) The parking facilities shall be laid out in accordance with the Proposed Site Plan (Drawing No. 26CB01-LAW-30-00-D-A-069001_C03) and constructed in consolidated materials, details of which shall first be submitted to and approved in writing by the Local Planning Authority prior to the beneficial occupation of the school building. The development shall be completed in accordance with the approved details prior to the beneficial occupation of the school building and the parking and turning area shall remain available for such purpose at all times thereafter.
13) Prior to the development hereby approved coming into beneficial use the biodiversity/ecological enhancements as shown on the Proposed North, West, East & South Elevation (Drawing No. 26CB01-LAW-32-XX-DR-A-062-2100_P03) and shall be implemented in full and maintained as such in perpetuity.	13) Prior to the development hereby approved coming into beneficial use the biodiversity/ecological enhancements as shown on the Proposed North, West, East & South Elevation (Drawing No. 26CB01-LAW-32-XX-DR-A-062-2100_C04) and shall be implemented in full and maintained as such in perpetuity.
15) Prior to the beneficial occupation of the new school building, the electric vehicle charging points shall be provided in accordance with the submitted details as shown on the Proposed Site Plan (Drawing No. 26CB01-LAW-30-00-D-A-069001_P00) and should be retained as such in perpetuity.	15) Prior to the beneficial occupation of the new school building, the electric vehicle charging points shall be provided in accordance with the submitted details as shown on the Proposed Site Plan (Drawing No. 26CB01-LAW-30-00-D-A-069001_C03) and should be retained as such in perpetuity.

Appraisal

Section 96a of the Town & Country Planning Act 1990 allows non-material amendments to be made to an existing planning permission. This was brought into effect on the 1st September 2014. The Welsh Government has produced a guidance note entitled 'Approving Non-material Amendments to an Existing Planning Permission' which sets out four tests to be considered in determining whether an application qualifies as a non-material amendment.

It is, therefore, necessary to assess the proposed amendment against the four tests in turn:

(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; 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?

(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 proposals involve the addition of a substation located nearby the access maintenance purposes. The additional structure provides a minor increase in the scale of the originally approved development. The structure is required to support the new school building in line with discussions with the statutory undertaker. The building is located away from boundaries with nearby neighbours and overall does not materially change the scale of the original approval.

The proposals include an extension to the bin store is proposed to allow sufficient room for an additional sports equipment shed. The shed is a small structure and it is noted that this could technically be added under permitted development rights once the development is complete. The area surrounding the bins as originally approved includes various plant and mechanical structures including the sprinkler tank. The scale of this area remains largely inline with the original approval.

The proposals involve minor removal/alterations to the windows/door which will not impact the scale of the overall building.

The newly proposed plans will extend the width of the swale in order for it to meet the existing site levels. This will only be a minor addition to ensure the formation of the swale adapts to the surrounding ground levels, and will ultimately require fewer land operations and engineering works in the future. The scale of the proposed change will not be significant from the approved plans and will not have any additional impact on the development.

Overall, the proposed changes include minor alterations and therefore the difference in scale will be negligible.

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

The proposed substation will remain within the site boundary, and is not in a position that is highly visible from areas surrounding the site. Overall the addition of the substation is not considered to materially detract from the proposals.

The extension to the bin store for the addition of a storage shed and the removal/swapping of the windows/doors will not be noticeable from outside of the site and therefore will not impose any visual defects to the proposed development or impact residential amenity.

As for the swale, the extension will not be visible from the site boundary and the downward slope will be in line with the existing ground levels. This will also minimise the risk of surface water runoff, allowing a wider catchment area for water storage.

In light of the above, the proposed changes will not pose any significant visual impacts or impacts towards local amenity of the proposed development.

(b) would the interests of any third party or body be disadvantaged in planning terms; or

Similar to the points discussed under point (a), the proposed amendments will not increase overlooking and only relate to minor amendments to the existing permission to facilitate the required minor changes to ensure the long-term success of the proposed development. It is clear that no third-party bodies, statutory or otherwise, who maintain an interest in this application, would be disadvantaged by the amendments in planning terms.

(c) would the proposed change conflict with national or development plan policies

The proposed amendments do not conflict with national or development plan policies given its minor nature.

In light of the above, it is respectfully requested that Merthyr Tydfil County Borough Council grant approval of the Non-Material Amendment application to vary Condition 2 (List of Approved Plans), Condition 8 (Parking Facilities), 13 (Biodiversity Enhancements) and Condition 15 (EVC Charging) of planning permission P/24/0034 at the land to the north of Goitre Lane, Merthyr Tydfil.

I trust this, and the enclosed is satisfactory in order to determine the application. If you require any further information please do not hesitate to contact.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Liam Griffiths-Downing', written in a cursive style.

Liam Griffiths-Downing
Principal Planner