

DELEGATED REPORT

Application No: P/25/0110

Site Address: Units 5 To 8
Phoenix Industrial Estate
Goat Mill Road
Dowlais
Merthyr Tydfil

Development: Non material amendment to planning permission P/24/0141 to remove glazed extension, alter existing roof and re-clad external elevations

Case Officer: Rebecca Owens

Application Expiry Date: 11th June 2025

Consultation reply date expired:

APPLICATION SITE

The application relates to a part of a large industrial building comprising of a number of separate units. The site is located in an established industrial park within the settlement boundary. It is bound by other units to the north and west, a highway to the east and a vegetated embankment to the south.

PROPOSED DEVELOPMENT

This is an application for a non-material amendment to planning permission P/24/0141 which granted permission for a two storey front extension, an extension to the side of the building to house a crane and other external alterations. This application seeks permission to remove the glazed front extension from the scheme, alter the existing roof and re-clad the external elevations.

The two storey glazed front extension would be removed from the scheme but the plans indicate that in place of this, three large glazed windows would be inserted into the elevation.

The roof over the southern most section of the building is currently pitched and it is proposed to change this to a mono-pitched roof with roof lights.

There also appear to be additional alterations to the external elevations summarised below:

- the insertion of new ground floor windows in the north elevation
- the removal of a doorway and the insertion of a new doorway elsewhere in the northern elevation.
- The insertion of a new door in the upper level of the southern elevation

- The removal of two pedestrian doors, a large roller shutter door and a roller shuttered window in the eastern elevation

PLANNING HISTORY

The relevant planning history is detailed below:

P/24/0141 Two storey front extension and extension to side of house crane and other external alterations
Granted planning permission subject to conditions on 10 February 2025

CONSULTATION

No consultation exercise was undertaken.

PUBLICITY

No publicity exercise was undertaken.

Local Planning Policies

Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031:

- SW4 Settlement Boundaries
- SW9 Planning Obligations
- SW10 Protecting and Improving Open Spaces
- SW11 Sustainable Design and Placemaking
- SW12 Improving the Transport Network
- CW1 Historic Environment
- CW2 Cyfarthfa Heritage Area
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW2 Internationally and Nationally Protected Sites and Species
- EnW3 Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species
- EnW4 Environmental Protection
- EcW2 Protecting Employment Sites
- EcW9 District Heating

National Policies and Guidance

Section 96a of the Town and Country Planning Act 1990 provides the mechanism to approve non-material amendments to an existing planning permission.

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

The main issue in determining this application is whether the proposed changes would constitute a non-material amendment to the development approved under application reference P/24/0141. It is noted that a non-material amendment approval does not constitute a re-issue of the original planning permission. The original permission still stands and the non-material amendment approval would be read in conjunction with this.

However, the proposed amendments include the removal of the two storey front extension from the scheme and as such the development would no longer be in accordance with the approved description of development specified on the original permission. This cannot be altered as part of the non material amendment process. The original permission with the original description would still stand. As such it is not considered that this aspect of the proposal can represent a non-material amendment. Notwithstanding this, the developer is free to not implement this aspect of the development without the need for non material amendment approval.

The proposal also includes the alteration of an existing roof, the recladding of the external elevations and alterations to fenestration including the insertion of large glazed windows in place of the omitted two storey front extension. These are all new elements which did not form part of the original proposal and were not therefore included in the description of development (which as outlined above cannot be altered as part of the non material amendment process). Indeed the amended roof and external cladding relate to a parts of the building that were not previously subject to any alterations and the impact of these new elements have not been previously assessed. A non material amendment cannot be used as a means of gaining consent for a new development which requires planning permission in its own right and it is not considered that the introduction of such substantial new elements which would have a visual impact different to that of the original application can be deemed non material.

Other Considerations:

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

1. Whilst there are conditions on the previous approval. None of these would be affected by the proposed amendment or would prevent the proposed changes.
2. 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. However, it is noted that there have not been any previous non-material amendments to the originally approved scheme (P/24/0141).
3. No representations were received following the original publicity exercise.

CONCLUSION

In conclusion, the proposed changes are no considered to be non material as they do not comply with the original description of development and include a new elevated walk way which did not form part of the original application.

RECOMMENDATION: BE REFUSED for the following REASON:

1. The proposed amendments would introduce new elements to the development that fall outside the scope of the original description of development and would have a materially different impact on the character and appearance of the building. Therefore, the proposed amendments would constitute a material change to the approved scheme P/24/0141.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

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DATE: 29.04.2025