

DELEGATED REPORT

Application No:	P/23/0291
Site Address:	Land North Of Pant Industrial Estate Bryniau Road Pant Merthyr Tydfil
Development:	Non material amendment to planning permission P/19/0323 to alter plot boundaries, enclosures, materials, canopies, bin stores, bike sheds and site levels with associated retaining works
Case Officer:	Rebecca Owens
Site Visit:	15th January 2024
Application Expiry Date:	30th April 2025

APPLICATION SITE

This application relates to an area of land that is broadly triangular in shape measuring approximately 0.89 of a hectare. The northern boundary of the site (158m in length) provides a prominent frontage onto the main highway (Bryniau Road), with the open countryside beyond, which forms part of Merthyr Common. To the south-east of the site is Pant Industrial Estate, with a car park, commercial building and associated external storage area abutting the boundary. There is also an existing palisade gate which provides access from the application site into the industrial estate. To the south-west, the site is bound by an enclosed basketball court and vacant land with playing fields beyond.

Planning permission has been granted for the residential development of the site, which has already commenced and is at an advanced stage of the development.

PROPOSED DEVELOPMENT

This application seeks a non-material amendment to the reserved matters that were approved under planning permission P/19/0323 relating to the outline permission P/18/0392. The development in question was for a residential scheme comprises 31 housing units, which includes 12 semi-detached dwellings, 2 semi-detached bungalows, 2 detached dwellings and 15 flats and the reserved matters relate to the layout, appearance, access, scale and landscaping of the development.

The amendments proposed relate to plot boundaries, enclosures, materials and canopies. These are summarised below:

- The small existing landscaped area in the north western corner of the site would have a 1.8m high timber fence to the rear rather than a 1.8m high brick wall.
- The boundaries to plots 1, and 11-16 are being brought in from the western boundary of the site to create a footpath access to the floodlights on the adjacent

field. The footpath will be retained by graded land between it and the amended rear boundaries of plots 11-16.

- The boundary to the rear garden of plot 1 would be a 1.8m high timber fence
- A 1.2m high timber fence is proposed to the top of the retaining wall to the rear of plot 11-16. This retaining wall would vary in height from 0.6m to 1.5m.
- Retaining walls are no longer proposed to the rear of plots 2 and 3 but a new retaining wall is proposed adjacent to the steps to the north west of plot 1.
- A new retaining wall is proposed to the western side of plot 4 which would be a maximum of 0.9m high
- The 1.1m high metal railing adjacent to Bryniau Road and along the boundaries of Plots 4 to 10 would be extended to the front of the open space within the north eastern corner of the site.
- A 1.38m high retaining wall with 1.1m railing above is also proposed between the front gardens of plots 7 and 8 while 0.97m high brickwork retaining wall would be erected adjacent to the front elevations of plots 9 and 10 (returning into the bank) with a 1.1m high metal railing above.
- The boundary between Plot 10 and the public open space will be altered from a 1.8m high wall to a 1.8m high timber fence. The boundary to the garden would also be altered with the boundary wall now wrapping around the parking spaces.
- The area around the flats would also be amended as a result of the levels of the site, stepped access is proposed in various positions with retaining walls also required. The retaining walls vary in height up to a maximum of 1.8m.
- The arrangement of the bike sheds would be altered. However, the same number is proposed and these would remain in the same area.
- The size and arrangement of the bin stores would also be altered. However, the same number is proposed and these would remain in the same area. The new bin stores would have a larger footprint and would be finished in brickwork with a metal roof and double doors.
- The larger bins stores have impacted on the landscaping scheme with one of the wildflower areas being reduced in size along with one of the ornamental shrub beds.
- The brick type for dwellings (including houses, apartments and bungalows) to be changed due to issues with availability of the bricks previously approved.
 - Plots 1-2 would comprise of Vandersanden 'Flemish Antique'.
 - Plots 5-8 and 17-28 would comprise of Wienerberger Kempley Antique.
 - Plots 3-4 and 9-10 and 15-16 would comprise of Glenco Stock.
 - Plots 11-14 and 29-31 (flats) would comprise of Phoenix Blend.
- The canopies on the dwellings are to be altered with the supporting poles removed, their height reduce, projection off the elevation reduced and their width slightly increased.
- The canopies on the buildings containing the flats are to be altered with the supporting poles removed and slight alterations in their depth and width

PLANNING HISTORY

The relevant planning history is detailed below:

P/19/0333 Discharge of conditions 4 (affordable housing scheme), 5 (drainage), 7 (boundary details), and 8 (retaining works) of planning permission P/18/0392 Discharged on 04.03.2021

- P/19/0323 Construction of 31 residential units (Reserved Matters)
Permission GRANTED on 06.02.2020
- P/19/0284 Variation of condition 1 of P/19/0272 to amend the approved scale parameters.
Permission GRANTED on 02.12.2019
- P/19/0272 Non material amendment to planning permission P/18/0392 to vary the approved scale parameters.
Permission GRANTED on 24.10.2019
- P/18/0392 Residential development
Permission GRANTED on 07.02.2019. This included condition 7 which relates to boundary treatment and states:
- “Prior to the occupation of the dwellings hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved prior to the occupation of each dwelling”.*

CONSULTATION

No consultation exercise was undertaken.

PUBLICITY

No publicity exercise was undertaken.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040, sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

National Planning Policies

Planning Policy Wales Edition 12

Local Planning Policies

The relevant policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 which were identified in the original application are as follows:

- SW1 - Provision of New Homes
- SW2 - Provision of Affordable Housing
- SW3 - Sustainably Distributing New Homes
- SW4 - Settlement Boundaries
- SW9 - Planning Obligations

- SW11 - Sustainable Design and Placemaking
- SW12 - Improving the Transport Network
- CW1 - Historic Environment
- EnW1 - Nature Conservation and Ecosystem Resilience
- EnW4 - Environmental Protection
- EnW5 - Landscape Protection
- EcW8 - Renewable Energy

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 proposal alterations comprise a non-material amendment to the development approved under application reference P/19/0323. In this respect, the main considerations are the impact of the changes on both visual and residential amenity, ecology and highway safety.

The proposal would result in minor alterations to the layout approved with some of the boundaries of the plots being relocated and the arrangement of the bike and bin stores being amended. Other changes include alterations to boundary treatments and the introduction of retaining walls. However, generally the site layout would remain largely the same with the proposed alterations having minimal impact on the overall character and appearance of the development. In addition, the changes to the boundary treatment and the retaining works are deemed to be visually acceptable.

It is noted that this non material amendment also seeks changes to the appearance of the dwellings and flats with alterations proposed to canopies and elevational finishes. The changes to the canopies are very modest and are in fact deemed to represent a slight improvement in their appearance. In addition, whilst changes to the finishes are proposed, these would remain brickwork. It is acknowledged that there have been issues with the availability of the bricks previously approved and the proposed alternatives are considered to be a suitable and similar alternative. As such the overall appearance of the dwelling would not be significantly altered.

Having regard to the above it is not considered that the changes would have any harmful 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 alterations would have no impact on access, internal highways or parking arrangements and as such the amended proposal would not have any implications in terms of highway safety and would remain acceptable in this respect. Similarly, the amendments would not have any additional impact on ecology or protected species and although there would be alterations to the landscaping, the changes only result in a small reduction in the size of one of the wildflower areas one of the ornamental shrub beds. This would have a negligible impact on the overall landscaping scheme.

With respect to the effect on neighbouring properties, the amendments would not have any significant impact. The site itself is not directly adjoined by any dwellings with the closest residential properties located approximately 20m to the north east of the site boundary. As such there would be no additional harm from this scheme and the proposal would continue to be acceptable in terms of residential amenity.

Having regard to the above it is not considered that the scale of the proposed changes would be great enough to cause an impact different to that caused by the original approved development scheme and as such there would be no detrimental impact on visual or residential amenity. In addition, the revised scheme would remain in accord with the relevant policies 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. It is noted that the outline permission included a condition which related to boundary treatments (as outlined above) which was discharged under application P/19/0333. This condition required a plan indicating the positions, height, design, materials and type of boundary treatment to be erected to be approved by the planning authority and completed as approved prior to the occupation of each dwelling. The details approved were those submitted under the reserved matters application (P/19/0323). It is noted that this non material amendment application seeks to amend these details but it is considered that this can be suitably addressed with the insertion of a new condition on any approval relating to the boundary details currently under consideration.

2. There have not been any previous non-material amendments to the originally approved scheme under the reserved matters permission P/19/0323. It is noted that previous non-material amendments have been granted to the outline approval (P/18/0392) but these related to changes to the scale parameters and do not affect consideration of this application.
3. No representations were received following the original publicity exercises for either the outline approval (P/18/0392) or the reserved matters approval (P/19/0323).

CONCLUSION

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

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

1. The development shall be carried out in accordance with the following approved plans and documents:
 - Proposed Site Plan, Drawing Number 4099-PEN-ZZ-ZZ-DR-A-1005 B1 Rev. C6, received 5 December 2024
 - 2B4P House (Plots 1-2 & 5-10) - Plans, Elevations and Schedules, Drawing Number 3815-PEN-ZZ-ZZ-DR-A-0101 S3 Rev. P7, received 5 December 2024
 - 2B4P House (Plots 3 & 4) - Plans, Elevations and Schedules, Drawing Number 3815-PEN-ZZ-ZZ-DR-A-0201 S3 Rev. P6, received 5 December 2024
 - 3B5P House (Plots 11 & 12) - Plans, Elevations and Schedules, Drawing Number 3815-PEN-ZZ-ZZ-DR-A-0301 S3 Rev. P5, received 5 December 2024
 - 2B4P House (Plots 13 & 14) - Plans, Elevations and Schedules, Drawing Number 3815-PEN-ZZ-ZZ-DR-A-0401 S3 Rev. P5, received 5 December 2024
 - 2B3P Bungalow (Plots 15 & 16) - Plans, Elevations and Schedules, Drawing Number 3815-PEN-ZZ-ZZ-DR-A-0501 S3 Rev. P5, received 5 December 2024
 - 1B2P Walk-up Flats (Plots 17-28) - Plans, Elevations and Schedules, Drawing Number 3815-PEN-ZZ-ZZ-DR-A-0601 S3 Rev. P9, received 5 December 2024
 - 1B2P Walk-up Flats (Plots 29-31) - Plans, Elevations and Schedules, Drawing Number 3815-PEN-ZZ-ZZ-DR-A-0701 S3 Rev. P6, received 5 December 2024
 - Boundary Details, Drawing Number 3815-PEN-ZZ-ZZ-DR-A-1000 S3 Rev. P2, received 5 December 2024
 - Bins Store Details, Drawing Number 3815-PEN-ZZ-ZZ-DR-A-6902 S3 Rev. P2, received 5 December 2024
 - Engineering Layout, Drawing Number 100 Rev. C8, received 5 December 2024

- Site Sections Sheet 1, Drawing Number 101 Rev. C, received 5 December 2024
- Site Sections Sheet 2, Drawing Number 101-1, received 5 December 2024
- Planting Plan, Drawing Number 463.01 Rev. B, received 5 December 2024

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

2. Notwithstanding the provisions of schedule 2, part 1, class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings shall be erected other than those expressly authorised by this permission and shown on the proposed site plan, drawing 4099-PEN-ZZ-ZZ-DR-A-1005 B1 Rev. C6.

Reason - In the interest of visual amenity in accordance with Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan.

3. Prior to the occupation of the dwellings hereby approved the boundary treatments shall be completed in accordance with drawing numbers Drawing Number 4099-PEN-ZZ-ZZ-DR-A-1005 B1 Rev. C6 (proposed site plan) and 3815-PEN-ZZ-ZZ-DR-A-1000 S3 Rev. P2 (boundary details).

Reason - To ensure that the new development will be visually attractive and boundaries protected in the interests of amenity in accordance with Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

pp

DATE: 07.03.2025