

DELEGATED REPORT

Application No:	P/25/0329
Site Address:	St Tydfils Hospital Site Merthyr Tydfil CF47 0SJ
Development:	Non material amendment to application P/20/0199 to vary wording of condition 20 (retaining features and structural calculations) to change the timings for submission of information.
Case Officer:	Kate Glover
Application Expiry Date:	26th January 2026

APPLICATION SITE

The application site, which was formerly the St Tydfil's hospital, is irregular in shape and measures approximately 2.06 hectares. The majority of the site is relatively flat but it rises significantly along parts of the eastern boundary towards Thomastown Park (an Open Space as designated in the Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP)). The bulk of the site is covered in hardstanding areas (tarmac and concrete) and various piles of rubble which remain following the demolition of the former union workhouse (and extension), chapel, infirmary, plant and other buildings, including a Grade II Listed Building.

The western boundary of the site abuts properties in Union Place and Upper Thomas Street. In the middle section of the western boundary the site wraps around the Old Cholera Cemetery (an Open Space as designated in the LDP) before adjoining the embankment of the rear access road serving the properties along High Street. The northern boundary adjoins the properties at the end of the cul-de-sac of Taff Vale Court. The eastern boundary is protected by the landscaped boundary of Thomastown Park and a footpath that leads down to Primrose Cottages and the end of Union Street. The southern boundary is raised above the level of Union Street and Primrose.

It is noted that demolition works have taken place on site and these works include the removal of the southern wing of the former St. Tydfil's Hospital which was attached to the Listed Building, as well as other buildings located along the southern boundary of the site adjacent to Union Street and Primrose.

PROPOSED DEVELOPMENT

This application seeks permission for a non-material amendment to amend condition 20 of the original application, approved under application P/20/0199 which currently states:

"No development shall take place until details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height have been submitted to

and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

Reason - In the interest of safety and visual amenity in accordance with Policy SW11 of Merthyr Tydfil County Borough Council Replacement Local Development Plan.”

This application seeks to amend the timing of condition 20 so that there is a requirement for the submission and approval of the details listed in the condition, prior to the construction of any dwellings rather than prior to commencement of development.

PLANNING HISTORY

The relevant planning history is detailed below:

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| P/20/0199 | Residential development consisting of the conversion and extension to a listed building to create 7 apartments and a dwelling, construction of 62 dwellings (including 31 affordable units), the demolition of existing buildings, landscaping, re-profiling of land, alterations to the existing access and other associated works
Approved: 17 Dec 2020 |
| P/20/0234 | Demolition of remaining curtilage buildings and south block of main building. Alteration, extension and conversion of retained main block to create 7 apartments and a dwelling
Listed Building Consent: 30 Apr 2021 |
| P/21/0201 | Discharge of Condition 12 (Contamination) of planning permission P/20/0199 for residential development including the conversion and extension of a listed building to provide 70 units
Approved: 26 Jul 2021 |
| P/21/0238 | Discharge of conditions 23 (historic building recording) and 24 (written scheme of historic mitigation) of planning permission P/20/0199 for residential development including the conversion and extension of a listed building to provide 70 units
Approved: 9 July 2021 |
| P/21/0342 | Variation of Conditions 15 (piling) and 20 (retaining walls) of planning permission P/20/0199 to enable details to be submitted prior to works commencing on the construction of the dwellings
Approved: 27 Oct 2021 |

This planning permission is relevant to this application for a non-material amendment by virtue of granting consent to allow details to be submitted after commencement of development. The varied condition 20 states:

“No works shall commence on the construction of any dwelling until details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height have been submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in

accordance with the approved details before the development hereby approved is brought into beneficial use.

Reason: In the interest of safety and visual amenity in accordance with Policy SW11 of Merthyr Tydfil County Borough Council Replacement Local Development Plan."

- P/22/0009 Discharge of condition 6 (Bat Cool Tower) of planning permission (P/20/0199) for residential development including the conversion of the listed building
Approved: 11 Feb 2022
- P/25/0314 Discharge of condition 15 (piling or other foundation designs) and condition 19 (construction method statement) of planning permission P/20/0199 for Residential development consisting of the conversion and extension to a listed building to create 7 apartments and a dwelling, construction of 62 dwellings (including 31 affordable units), the demolition of existing buildings, landscaping, re-profiling of land, alterations to the existing access and other associated works
Pending determination

CONSULTATION

No consultation exercise was carried out nor it is required for this application.

PUBLICITY

No publicity exercise was carried out nor it is required for this application.

Local Policies

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

PLANNING CONSIDERATIONS

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 or not the proposed change to the wording of condition 20 would constitute a non-material amendment to the development approved under application reference P/20/0199. It is noted that the reason for the condition is to ensure these retaining features are safe and visually acceptable.

The change proposed to the wording of condition 20 would have no impact on the scale and nature of the approved development, the condition would remain enforceable, the proposed alteration to the timing for the submission of the details would not disadvantage the interests of third parties and the amendment is not in conflict with planning policies.

In addition, a change to the timing for the submission of details has been previously agreed via P/21/0342 and this previous variation of condition reaffirms the acceptability for the submission of details after works have commenced, rather than prior to the commencement of works.

As such, the condition would continue to be enforceable and meet the six tests of planning conditions.

CONCLUSION

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

The proposed changes to condition 20 of planning permission P/20/0199 are acceptable, would not constitute a material change and the revised condition would continue to accord with Policy SW11 of Merthyr Tydfil County Borough Council Replacement Local Development Plan.

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

20. No works shall commence on the construction of any dwelling until details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height have been submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

Reason: In the interest of safety and visual amenity in accordance with Policy SW11 of Merthyr Tydfil County Borough Council Replacement Local Development Plan

INFORMATIVES

1. This non-material amendment shall be read in conjunction with planning permission P/20/0199.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 16.12.2025