

Planning Statement

Application for a Non material Change

Detached building incorporating a bike hire, retail facility to include office, toilet, workshop and classroom

Afan Argoed Country Park, Afan Valley Road, Cymmer, SA13 3HG

March 2021
LPA ref 2020/0832

PHONE

MOB PHONE

EMAIL

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1. Introduction and Site Location

Application

This is an application for the determination as to whether the proposed changes to the above development granted planning approval on 11th January 2021 are considered material.

2. Proposal

The proposal seeks to vary the exterior elevations of the building as shown on the submitted plans and in **Table 1** below

3. Material Issues

On 1st September 2014 Section 96A of the Town and Country Planning Act 1990 (TCPA 1990) came into force in Wales. The provision in this section of the Act provides the mechanism to approve non-material amendments to an existing planning permission and prescribes some of the operational matters associated with it.

There is no statutory definition of a 'non-material amendment'. This is because it depends on a number of 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 surrounding areas, which will vary from one application to another. What may be non- material in one context may be material in another.

In July 2014 the Welsh Government published guidance (*Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission*)¹ stating that in determining application LPA's are required to apply the following tests

- (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?

Turning to the provision of Section 96A

The Welsh government guidance on NMA does allow conditions to be dealt with by Section 96A application it states

Can a non-material amendment be made to conditions using this procedure?

2.24 Yes. Section 96A of the TCPA 1990 enables new conditions to be imposed or existing conditions to be removed or altered providing the resultant effect is a non-material change.

¹ <http://gov.wales/docs/desh/publications/140707planning-guidance-approving-non-material-amendments-en.pdf>

The guidance also indicated that an application can be made in retrospect

Can a non-material amendment application be made retrospectively?

Yes, an application for non-material amendments can be made retrospectively.

4. Proposed Revisions

Table 1

	Material Issues	Location	Proposed	Comment
<i>F1</i>	<i>Visual</i>	<i>Rear Elevation (East)</i>	<i>Door removed & addition of high level window</i>	<i>Satisfies the tests. No effect on (a),(b)and (c)</i>
<i>F2</i>	<i>Visual</i>	<i>Side Elevation (South)</i>	<i>Door removed & addition of double door</i>	<i>Satisfies the tests. No effect on (a),(b)and (c)</i>

5. Conclusion

In conclusion, having regard to the advice contained within *Planning Guidance: Approving Non-Material Amendments to an Existing Planning Permission* it is considered that the proposals are non-material.