

Date: 13th August 2021
Our Ref: S20.227

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Dear Sir or Madam,

Town and County Planning Act 1990
Non-Material Amendment application for the change of wording of condition 2 (Schedule of Approved Plans) and removal of planning condition 8 of planning consent P2020/0486
Land At Water Street, Neath
Planning Portal Ref:

Asbri Planning are acting on behalf of Neath Port Talbot CBC in respect of a Non Material Amendment application to remove condition 2 (Approved Plans) of the above consent to update the plans due to revisions taking place.

The current wording of condition 2 is as follows and the plans identified in **bold black** are those to be superseded:

List of Approved Plans

2 Development shall be carried out in accordance with the drawings hereby approved, unless otherwise agreed in writing by the local planning authority.

Plans.

A-90001 C01 Existing Site Plan

A-90002 C02 Proposed Site Plan

~~A-90003 C02 Proposed Site Plan - Roof~~

~~A-00002 C02 LC Ground Floor Plan~~

~~A-00003 C02 LC First Floor Plan~~

A-90003 C03 Proposed Site Plan - Roof

A-00002 C04 LC Ground Floor Plan

A-00003 C04 LC First Floor Plan

A-00005 C02 LC Roof Plan

A-00008 C02 Proposed Basement Plan

~~A-00011 C02 Building Ground Floor Plan~~

~~A-00012 C02 Building First Floor Plan~~

~~A-00013 C02 Building Roof Plan~~

~~A-00100 C02 Proposed Sections A and B~~

~~A-00101 C02 Proposed Section C~~

~~A-00200 C02 N & E Elevations~~

~~A-00201 C02 SW & W Elevations~~

~~A-00202 C02 SE Elevation~~

A-00011 C06 Building Ground Floor Plan

A-00012 C05 Building First Floor Plan

A-00013 C03 Building Roof Plan

A-00100 C03 Proposed Sections A and B

A-00101 C04 Proposed Section C

A-00200 C05 N & E Elevations

A-00201 C06 SW & W Elevations

A-00202 C05 SE Elevation

A-00203 C02 Leisure Centre Elevations

A-01300 C01 Illustrative Image 1

A-01301 C02 Illustrative Image 2

A-01302 C02 Illustrative Image 3

Design and Access Statement

Planning Statement

PAC Report

Transport Statement

Travel Plan/Sustainable Transport Statement

Retail Statement

Noise Assessment

Ecological Assessment

Tree Survey Update

Waste Management Plan

Construction Management Plan

Energy Assessment

Land Contamination Report

~~A-00200 C02 N & E Elevations~~

~~A-00201 C02 SW & W Elevations~~

~~A-00202 C02 SE Elevation~~

~~A-00203 C02 Leisure Centre Elevations~~

~~A-01300 C01 Illustrative Image 1~~

~~A-01301 C02 Illustrative Image 2~~

~~A-01302 C02 Illustrative~~

Reason

In the interest of clarity.

Amended wording of condition 2:

List of Approved Plans

2 Development shall be carried out in accordance with the drawings hereby approved, unless otherwise agreed in writing by the local planning authority.

Plans.

A-90001 C01 Existing Site Plan

A-90002 C02 Proposed Site Plan

~~A-90003 C02 Proposed Site Plan - Roof~~

~~A-00002 C02 LC Ground Floor Plan~~

~~A-00003 C02 LC First Floor Plan~~

A-90003 C04 Proposed Site Plan - Roof

A-00002 C05 LC Ground Floor Plan

A-00003 C05 LC First Floor Plan

A-00005 C02 LC Roof Plan

A-00008 C02 Proposed Basement Plan

~~A-00011 C02 Building Ground Floor Plan~~

~~A-00012 C02 Building First Floor Plan~~

~~A-00013 C02 Building Roof Plan~~

~~A-00100 C02 Proposed Sections A and B~~

~~A-00101 C02 Proposed Section C~~

~~A-00200 C02 N & E Elevations~~

~~A-00201 C02 SW & W Elevations~~

~~A-00202 C02 SE Elevation~~

A-00011 C07 Building Ground Floor Plan

A-00012 C05 Building First Floor Plan

A-00013 C04 Building Roof Plan

A-00100 C04 Proposed Sections A and B

A-00101 C04 Proposed Section C

A-00200 C06 N & E Elevations

A-00201 C07 SW & W Elevations

A-00202 C05 SE Elevation

A-00203 C02 Leisure Centre Elevations

A-01300 C02 Illustrative Image 1

A-01301 C02 Illustrative Image 2

A-01302 C03 Illustrative Image 3

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~~A-00200 C02 N & E Elevations~~

~~A-00201 C02 SW & W Elevations~~

~~A-00202 C02 SE Elevation~~

~~A-00203 C02 Leisure Centre Elevations~~

~~A-01300 C01 Illustrative Image 1~~

~~A-01301 C02 Illustrative Image 2~~

~~A-01302 C02 Illustrative~~

Reason

In the interest of clarity.

The proposed amendments are following discussions with the LPA with regard to the approach of removing the rooftop plant screens as it is not known at this time if there will actually be any plant situated up at the roof level – this is very much dependent upon the prospective tenants, when known. Even if any prospective tenants do require plant on the roof in the dedicated zones, we will not know how high the plant is until the tenant designs it – any units might only be 1m or so high for example.

It should also be noted that the building as approved has a 750mm parapet wall which provides a level of screening prior to any additional screening being added. The dedicated future plant zone was set back far beyond the main plaza facing elevation so that any plant or screens would not be seen from the main pedestrian approaches in any event. If any plant is required, a screen might not actually be needed for key view corridor screening.

Following discussions with the LPA it has been identified that planning condition would be required to ensure that if any plant is installed in the future then prior to its installation it should be considered whether any screening would be needed to obscure. The proposed wording for the condition is:

“Prior to the installation of any roof plant a scheme for screening shall be submitted and approved by the local planning authority. Once installed the screening shall be retained in perpetuity.”

The NMA is also submitted for the removal of planning condition no. 8 which relates to the requirement to submit a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 5. Planning condition no. 5 was discharged ref. P2020/0813 on the 23rd October 2020. Please refer to the Geotechnical and Geoenvironmental Report and SI Report which demonstrate there is no remediation scheme required.

Alongside the update elevations, visuals and sections you’ll note that the LC and building ground floor and first floor plans have been superseded. There are no significant changes here only to update the latest in accordance with the construction. Please refer to the revision table for details.

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 amendments 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 scale of the proposed change is not great enough to cause an impact different to that caused by the original approved development scheme. The removal of the roof plant screening will overall reduce the scale of the building and the condition will ensure any future screening needed will be determined by the LPA. The removal of condition 8 will not alter the scale of the development. The changes to floor plans will not alter the scale of the development.

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

The proposal will not result in a detrimental impact either visually or in terms of local amenity. The removal of the roof plant screening will change the originally approved scheme visually this will not be detrimental as the condition will ensure any future screening needed will be determined by the LPA. The removal of condition 8 will not alter the visual appearance or have impacts with local amenity to the development. The changes to the floor plans will only alter the development minorly internally.

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

Similarly to the points discussed under point (a), the proposed amendments will not increase overlooking and only relate to the removal of conditions. Therefore 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?

Given the minor nature of the proposed amendment, there is unquestionably no conflict with planning policy on any scale.

It is for these reasons that Neath Port Talbot County Borough Council Local Planning Authority is respectfully requested to grant approval of the Non-Material Amendment application for the change of wording of condition 2 (Schedule of Approved Plans) and removal of planning condition 8 of planning consent P2020/0486.

The fee of £115.00 to support the application will be paid via BACS. I trust this, and the enclosed is satisfactory in order to approve the application. If you require any further information, please don't hesitate to contact.

Yours sincerely,



Liam Griffiths
Planner