

6th May 2022
Our Ref: 21.8028

Ms. Helen Bowen
Planning Officer
Neath Port Talbot County Borough Council

Third Floor, Park House
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Cardiff
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Dear Ms Bowen,

**Re: TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
SECTION 96A NON-MATERIAL AMENDMENT RELATING TO FULL CONSENT P2021/0428
LAND OFF MEADOW ROAD, EAGLESBUSH VALLEY, NEATH, SA11 2AF**

On behalf of our clients, Jones Brothers (Henllan) Ltd and Tai Tarian, Boyer is pleased to submit this Non-Material Amendment (NMA) application in relation to full planning permission reference P2021/0428, which approved the development of 52 affordable dwellings and associated access, landscaping and site infrastructure.

The submission seeks to make minor amendments to Conditions 2, 24, 25, and 26 of the original full planning consent.

In addition to this covering letter, the following documents have been submitted with this application, submitted via email to the Neath Port Talbot (NPT) Planning Team:

- Non-material amendment application form;
- Sketch Layout (Drawing 2330-00(02)100 Rev V);
- Detailed Soft Landscaping Proposals (Drawing TDA.2582.01 Rev I);
- Binstore Plans & Elevations Plots 12-14 & 38-41 (Drawing 2430 - 48(03)348A); and
- Binstore Plans & Elevations Plots 34-35 (Drawing 2430 - 50(03)350).

The application fee of £115 has been paid by telephone.

The rationale for the amendment and justification for its consideration as 'non-material' is provided within this letter.

Summary

The full planning consent included a planning condition relating to boundary treatments detail (Condition 20). Accordingly, a Boundary Treatments Plan was submitted to the LPA to discharge Condition 20. During the consultation period, comments were received from NPT Highways Authority relating to vehicular visibility and proposed walls near to car parking spaces. In order to appropriately address these comments, minor changes to the proposed site layout are required.

The proposed changes primarily comprise the omission of two walls and re-sizing/re-positioning bin stores. As a result, minor amendments are required to the approved Sketch Layout plan, Bin Store Elevations plan and Detailed Soft Landscaping Proposals plan.



Condition 2

Condition 2 of the permission relates to the suite of approved drawings, stating that *“The development shall be carried out in accordance with the following approved plans ...”* before listing all the approved plans.

The proposed NMA relates to a minor amendment to the approved site layout, landscaping plan and bin store plans.

The revisions are summarised below:

Approved Plan	Amended Plan
Sketch Layout (Drawing 2330-00(02)100 Rev T)	Sketch Layout (Drawing 2330-00(02)100 Rev V)
Detailed Soft Landscape Proposals (Drawing TDA.2582.01 Rev G)	Detailed Soft Landscape Proposals (Drawing TDA.2582.01 Rev I)
Bin store plans and elevations (Drawing 2430-48(03) 348)	Binstore Plans & Elevations Plots 12-14 & 38-41 (Drawing 2430 - 48(03)348A)
	Binstore Plans & Elevations Plots 34-35 (Drawing 2430 - 50(03)350)

Condition 24

Condition 24 is worded as follows:

“The cycle parking hereby approved shall be provided in accordance with Drawing 2330-00(02)100 Rev T - Sketch Layout prior to the first beneficial occupation of any part of the development to which it relates, and shall be retained thereafter.

Reason To ensure the promotion of sustainable means of transport and to ensure compliance with Planning Policy Wales 11, and Policies BE1 and TR1 of the Neath Port Talbot Local Development Plan”

The proposed amendment to Condition 24 is simply to replace the Sketch Layout drawing reference from *“Drawing 2330-00(02)100 Rev T -Sketch Layout”* to the revised *“Drawing 2330-00(02)100 Rev V - Sketch Layout”*.

The location of the cycle parking provision for plots 38 – 41 has been repositioned to the north of parking space no. 41. However, no change to the amount or type of cycle parking provision is proposed as part of the revised Sketch Layout.

Condition 25

Condition 25 is worded as follows:

“The car parking spaces/ driveways hereby approved shall be constructed in accordance with drawing number 2330-00(02)100 Rev T -Site Layout Plan prior to the first beneficial occupation of any part of the development to which they relate, and shall thereafter be retained for access and parking of vehicles only.

Reason In the interest of highway and pedestrian safety, to ensure that the development is served by sufficient parking and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.”

The only amendment required to Condition 26 is to update the Sketch Layout drawing reference from “Drawing 2330-00(02)100 Rev T -Sketch Layout” to the revised “Drawing 2330-00(02)100 Rev V - Sketch Layout”.

No change to the car parking or driveways arrangement is proposed as part of the layout revision.

Condition 26

Condition 26 is worded as follows:

“The approved landscaping scheme Drawing No TDA.2582.01 TDA Rev G -Detailed Soft Landscape Proposals shall be carried out in the first planting season after completion of the phase of construction or its occupation, whichever is the sooner and any trees or plants which within a period of five years are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless the local planning authority gives written consent to any variation.

Reason In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.”

To reflect the changes to the bin stores’ size and location, slight amendments to the landscaping proposal plan were required. The overall landscaping scheme remains unchanged however the Condition 26 wording is required to be updated to replace the drawing reference from “Drawing No TDA.2582.01 TDA Rev G -Detailed Soft Landscape Proposals” to “Drawing No TDA.2582.01 TDA Rev I - Detailed Soft Landscape Proposals”.

Differences between Sketch Layout Rev T and Rev V

The key changes to the proposals are as follows:

- The bin store serving plots 38 – 41, which was originally located north of parking space no. 41 has been repositioned to the south-east, now adjacent to the boundary fence;
- Bicycle parking for plots 38 – 41 has been repositioned to north of parking space no. 41;
- The wall behind parking spaces 38 - 41 has been removed to improve visibility;
- The section of wall between plot 41-40 and the road has been omitted to improve visibility;
- The bin store for plots 34 – 35 has been reduced in size; and
- A footpath from plots 14-15 to the bin store and cycle parking to the rear has been included for access.

Rationale for Proposed Amendment

Sketch Layout Rev T was approved as part of the Full Planning Application P2021/0428.

A boundary treatments plan was submitted as part of a Discharge of Conditions application relating to Conditions 20 and 21. During the consultation period of this application, comments were raised by the Highways Authority regarding the height and type of boundary walls surrounding bin stores and parking spaces; and associated implications on visibility splays.

To appropriately address these comments and ensure acceptable visibility levels are achievable, the bin stores are proposed to be repositioned and the bin store servicing plots 34-35 has been reduced in size. The bin store plans and elevations have been updated accordingly.

The Detailed Soft Landscape Details plan has also been updated to align with the revised Sketch Layout.

The proposed changes were informally discussed with the Case Officer and are considered to directly address the requests of the Highways Officer in relation to the Boundary Treatments Plan (Condition 20).

Justification of Non-Material Amendment Procedure

It is pertinent to note that there is no statutory definition of material or non-material effects. Ultimately it is a matter of interpretation, whereby consideration must be given to context on a case-by-case basis.

In this instance, the proposed changes are considered to be non-material for the following reasons:

- The improvements to the site's boundary treatments and associated arrangement of bin stores has come at the request of NPT Highways Authority to ensure acceptable and safe visibility splays are achieved for the residents' parking spaces.
- The remainder of the proposed development is not changing and the overall principle of the scheme is not affected.

It is respectfully requested that this application for a non-material amendment is approved without delay. However, if you have any queries or wish to discuss any element of the application, please do not hesitate to contact me.

Yours sincerely,

Boyer

A handwritten signature in black ink, appearing to read 'C. Meehan'.

**Clodagh Meehan Macken
Planner**

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Boyer