

11 May 2022  
Our Ref: SC/21.146

Mr Billy Stark  
The Planning Department  
Neath Port Talbot County Borough Council  
The Quays  
Baglan Energy Park  
Neath  
SA11 2GG

Dear Mr Stark,

**S96a Application in respect of Planning Permission P2021/0780 - Development of eight dwellings with parking and associated works.**  
**Land at Pearson Way, Penrhiwtyn, Neath, SA11 2EJ.**  
**Planning Portal Reference: PP-11250722.**

On behalf of my client Wellspring homes, please find enclosed a Non-Material Amendment application in respect of the above planning permission. The application submission includes:

- Completed application forms;
- Covering letter/Statement;
- Site Location Plan;
- Proposed amended plans (see below);

The table below outlines the plans and drawings to be substituted as part of this application.

| Existing approved plan/drawing reference                   | New plan/drawing reference                                 |
|------------------------------------------------------------|------------------------------------------------------------|
| 3957-PEN-ZZ-ZZ-DR-A-1005-S4-P9<br>Proposed Site Layout     | 3957-PEN-ZZ-ZZ-DR-A-1005-S4-P10<br>Proposed Site Layout    |
| 3957-PEN-ZZ-ZZ-DR-A-3002-S4-P2<br>House Type A-Elevations  | 3957-PEN-ZZ-ZZ-DR-A-3002-S4-P3<br>House Type A-Elevations  |
| 3957-PEN-ZZ-ZZ-DR-A-2000-S4-P5<br>House Type A-Floor Plans | 3957-PEN-ZZ-ZZ-DR-A-2000-S4-P6<br>House Type A-Floor Plans |
| N/A                                                        | 3957-PEN-ZZ-ZZ-DR-A-1006-S4-P3<br>Dimension Site Plan*     |

\*submitted to assist appraisal only

The fee of £115 associated with this application will be paid to the LPA by the applicant directly.

### **Proposed Changes**

The proposed changes relate to house type A only. The overall height, width, depth and position of the units are unchanged but you will note that the lower ground floor accommodation has been slightly increased through additional excavation into the ground under the property (into the bank).

This proposed change, which will allow for the inclusion of a utility/w/c and store area at this level, has been identified following review and discussion with the consultant engineers. This will have no impact upon the externals of the plot. There are however a number of minor changes to the fenestration which are more aesthetic (no new or additional windows/openings are to be added).

### **Justification for Determination Under S96a of The Town and Country Planning Act 1990**

With regard to section 96A of the Town & Country Planning Act 1990, which allows non-material amendments to be made to an existing planning permission, the Welsh Government has produced a guidance note entitled '*Approving Non-Material Amendments to an Existing Planning Permission*'. This sets out a series of tests to be considered in determining whether or not an application qualifies as a non-material amendment.

Paragraph 2.4 of this guidance states the following:

*"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."*

Paragraph 2.6 further states

*"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."*

When assessing and determining whether or not a proposed change would qualify as a non-material amendment the tests set out below apply. For clarity, I have outlined why the proposed amendments to the original planning permission fail to breach the threshold of each test, and therefore why the applicant believes they can be deemed non-material.

**Tests 1 & 2 - (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?**

The scale of proposed changes, do not result in any increase in impact compared to that cause by the originally approved scheme. The amended house type will provide limited additional non habitable floor space with the house type positioned in the same footprint/location as previously approved, with no external changes to the dimensions of the units.

The external fenestration changes are very minor and focus on the rear elevation.

**Test 3 -(b) would the interests of any third party or body be disadvantaged in planning terms?**

The changes proposed will not disadvantage any third party or body for the reasons outlined above.



**Test 4- (c) would the proposed change conflict with national or development plan policies?**

The original consented scheme was deemed to have been designed in accordance with the relevant national and development plan policies. The proposed amendments do not result in a scheme which is materially different from that already approved and therefore the amended scheme does not result in a conflict with national or development plan policies.

On this basis it is considered that the proposed changes are non-material and thus the application can be determined under S96a of the Town and County Planning Act.

I trust this information is of assistance and look forward to receiving confirmation of receipt, however should you have any queries or would like to discuss in any further detail, please don't hesitate to contact me.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Sam Courtney', with a stylized, sweeping flourish at the end.

**Sam Courtney** BA (Hons) MA (Uc) MRTPI  
Director, LRM Planning

Cc. Wellspring Homes  
Enc

