



5th July 2023

Our ref: AH/23.121

Rhodri Griffiths
Planning Department
Neath Port Talbot Council
Brunel Way
Briton Ferry
Neath
SA11 2GG

Dear Mr Griffiths,

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

SECTION 96A APPLICATION

AMENDMENT TO DEVELOPMENT FOR CONVERSION AND ALTERATION TO PUBLIC HOUSE TO PROVIDE ONE COMMERCIAL UNIT AT GROUND FLOOR AND 10 SELF CONTAINED FLATS, AND ASSOCIATED WORKS (REF: P2019/5495)

9 WINDSOR ROAD, NEATH, SA11 1LS

On behalf of the applicant, Castell Group, please find enclosed a Non-Material Amendment application in respect of changes proposed to planning permission P2019/5495. The correct fee of £115 associated with this submission, will be paid separately by the applicant.

The information submitted as part of this application is set out below:

- As built elevations (Ref: RC176 302 Rev J), prepared by Darkin Architects.
- Site location plan (Ref: 1522:PL1 01 Rev A), prepared by KJG Architects.

BACKGROUND

This Non-Material Amendment seeks approval to vary the wording of Condition 2, which sets out a list of plans approved by the permission, to which development must accord with. Specifically, Condition 2 requires development to be carried out in accordance with a Proposed Elevations drawing (Ref: RC176_302 Rev D), prepared by Darkin Architects. This illustrates the proposed elevations for all four building elevations.

This application is submitted following completion of the building works. During the construction and build process, some minor alterations were made to the rear and side elevations, and this application therefore seeks retrospective permission to regularise these changes.

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SUMMARY OF CHANGES

The elevations submitted as part of this application demonstrate the changes which were made during construction. These can be summarised as follows:

- Rear elevation:
 - An additional rooflight has been introduced; and
 - The fire escape has been omitted.
- Eastern elevation:
 - The fire escape has been omitted.
 - Doors have been removed at first and second floor level;
 - One vertical window has been removed at first floor level;
 - One vertical window has been replaced with a larger horizontal window at first floor level; and
 - One window has been reduced at ground floor level.

On the basis of the above, it is requested that the elevational drawing (Ref: RC176_302D_ Proposed Elevations) referred to in Condition 2 of permission P2019/5495, is replaced with the As Built Elevations (Ref: RC176 302 Rev J) submitted as part of this application.

JUSTIFICATION AND SUMMARY

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 against each of the tests in the guidance note why the proposed amendments to planning permission 21/00401/MJR 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 changes made do not increase, or decrease, the scale of development proposed. The quantum of development remains the same, and the proposals do not hinder the operation of the building for residential or commercial functions.

In terms of access, whilst the doors at first and second floor level have been removed, the ground floor access has been retained so as not to compromise the commercial ground floor function; it should however be noted that the commercial premises remains vacant.

The amendments proposed relate to external changes to the rear and eastern elevations, where some windows and doors have been altered/removed. The eastern elevation faces the adjacent building on Windsor Road, and is therefore only visible to users of the site's rear courtyard. The rear elevation faces the adjacent building on Alfred Street, however due to a gap in the building line, partial views of this elevation

will be experienced by users of this highway. In this regard, it should be acknowledged that the changes proposed to the windows on this elevation are minimal, and the removal of doorways at first and second floor level allow for a neater, more visually attractive scheme. The approved elevations demonstrate a cluttered and messy design, with the external stairways visually intruding the streetscene for users of Alfred Street travelling in a westerly direction. Mindful of the this, it is not considered that these changes are not visually detrimental to the scheme.

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

The changes proposed will not increase the scale parameters of the approved development and will therefore not have a detrimental impact on the interests of any third party or body in planning terms. The internal access arrangements have not varied to those agreed as part of the planning approval, and residents still benefit from convenient access onto Alfred Street via an entrance at the eastern most end of the western elevation. This ensures residents can continue to access the rear courtyard, in line with the Manual for Streets (Wales) which states that residents should not be required to carry waste more than 30m from their dwellings to the storage point (para 6.8.9 refers).

As there have been several changes to the window arrangements, it is prudent to consider their location within the building, so as to ensure that any changes will not impact future occupiers.

- Rear elevation:
 - An additional rooflight has been introduced. This will provide additional lighting for a third floor bedroom, which is considered a planning benefit.
- Eastern elevation:
 - One vertical window has been removed at first floor level. This overlooks a stairwell, at the corner of the corridor which splits the stairway into two parts. A window exists at the top and bottom of this stairwell, and the loss of this window is therefore not considered detrimental to the internal lighting arrangements.
 - One vertical window has been replaced with a larger horizontal window at first floor level. This faces a blank elevation of the adjacent building, and is therefore not considered to have any detrimental impact on amenity. It serves the corridor which increases the internal light levels, another unanticipated planning benefit.
 - One window has been reduced at ground floor level. This faces a bedroom, however it should be noted that the previous external access arrangements meant that the views from this window were disrupted by the stairway. Therefore despite being smaller, the bedroom benefits from a more acceptable outlook.

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

The originally approved scheme was 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. For completeness, as the changes set out above relate to external variations, Policy BE1 (Design) has been re-considered. How the changes relate to these tests, is assessed below.

All development proposals will be expected to demonstrate high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places. Proposals will only be permitted where all of the following criteria, where relevant, are satisfied:

1. *It complements and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment;*

The siting, scale, height, and massing remain as approved as part of the original permission. A series of minor changes have been made to the elevations, affecting the appearance of the scheme, however as set out above, these are collectively considered to 'neaten' the site and provide a number of additional planning benefits without compromise to surrounding land uses or amenity.

2. *It respects the context of the site and its place within the local landscape, including its impact on the important arterial gateways into the County Borough, its effects on townscape and the local historic and cultural heritage and it takes account of the site topography and prominent skylines or ridges;*

Given the nature and quantum of changes, and the fact that the majority of changes have occurred on less visually prominent elevations, it is not considered that the amendments will impact any arterial gateways and the townscape. It is acknowledged that the site sits within the Neath Town Centre Conservation Area, however due to the location of changes proposed, it is considered that the changes will not bear a negative impact on local heritage. This application relates to an existing permission, which would have taken into account site topography and skylines/ridges; this matter therefore does not require re-consideration at this stage.

3. *It utilises materials appropriate to its surroundings and incorporates hard and soft landscaping and screening where appropriate;*

The amendments do not depend on any new materials being introduced, nor do they relate to landscaping. Accordingly, this policy test is not of relevance.

4. *It would not have a significant adverse impact on highway safety, the amenity of occupiers of adjacent land or the community;*

As set out above, no negative amenity impacts are anticipated for occupiers. The nature of changes do not bear an impact on any highways or highway safety.

5. *Important local features (including buildings, amenity areas, green spaces and green infrastructure, biodiversity and ecological connectivity) are retained and enhanced as far as possible;*

Given the nature of changes, this policy test is not of relevance.

6. *It achieves and creates attractive, safe places and public spaces, taking account of 'Secured by Design' principles (including where appropriate natural surveillance, visibility, well lit environments and areas of public movement);*

The summary of changes above demonstrates that the changes proposed to the windows are acceptable, when considering the internal arrangements, and surrounding amenity. Several betterments are noted above and it should also be acknowledged that the windows do not hinder the surveillance or visibility of the rear courtyard, rather, it is considered that visibility is improved due to the 'neater' layout.

7. *It plays a full role in achieving and enhancing an integrated transport and communications network promoting the interests of pedestrians, cyclists and public transport and ensures linkages with the existing surrounding community;*

Given the nature of changes, this policy test is not of relevance.

8. *It uses resources, including land and energy, as efficiently as possible through:*

- a. *Making the best and most efficient use of the land available through being of appropriate density taking into account the character and appearance of the area, normally a minimum of 35 dwellings per hectare in the Coastal Corridor Strategy Area or a minimum of 30 dwellings per hectare in the Valleys Strategy Area;*
- b. *The layout and form of the development does not preclude the reasonable use of other adjacent land;*
- c. *Developing brownfield land in preference to greenfield land where possible;* (d) *Minimising building exposure while maximising solar gain.*

Given the nature of changes, this policy test is not of relevance.

9. *Its drainage systems are designed to limit surface water run-off and flood risk and prevent pollution;*

Given the nature of changes, this policy test is not of relevance.

10. *The layout and design of the development achieves inclusive design by ensuring barrier free environments, allowing access by all and making full provision for people with disabilities.*

The changes proposed have not impacted the internal access arrangements, and it is considered that suitable and convenient access can be maintained for occupiers off Alfred Street.

SUMMARY

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.

It is hoped that the level of information provided as part of this submission is sufficient to determine the application, however should you require anything further, please do not hesitate to contact us.

Kind regards

A handwritten signature in black ink, appearing to read 'Abi Hawke', with a stylized flourish at the end.

Abi Hawke

Planner