

PLANNING NOTE

PROPOSAL: NMA TO PLANNING REF:
P2022/0925 TO ALLOW FOR THE
SUBMISSION OF MATERIALS FOLLOWING
THE COMMENCEMENT OF WORK ON SITE
AND AMENDED FLOOR PLAN TO OMIT
EXTERNAL ACCESS ONTO FLAT ROOF.

ADDRESS: 46 WIND STREET, NEATH,

1.0 Background

1.1 Planning permission was recently approved under Ref: P2022/0925 for the subdivision of existing ground floor retail unit (Class A1) including provision of new shopfronts to create 4 commercial units (Class A1, A2 or A3) and change of use of first floor to create 4 flats (3 x 1-bed, 1 x 2-bed) including new bin and cycle storage areas on ground floor.

1.2 The permission was subject to the following conditions:

3. ***Prior to the beneficial occupation of the residential accommodation hereby approved, a scheme indicating the positions, height, design, materials and type of boundary treatment to be erected to the first floor flat roof area shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed, as approved, prior the first beneficial use of the residential accommodation and retained as such thereafter***

Reason: In the interest of visual impact and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

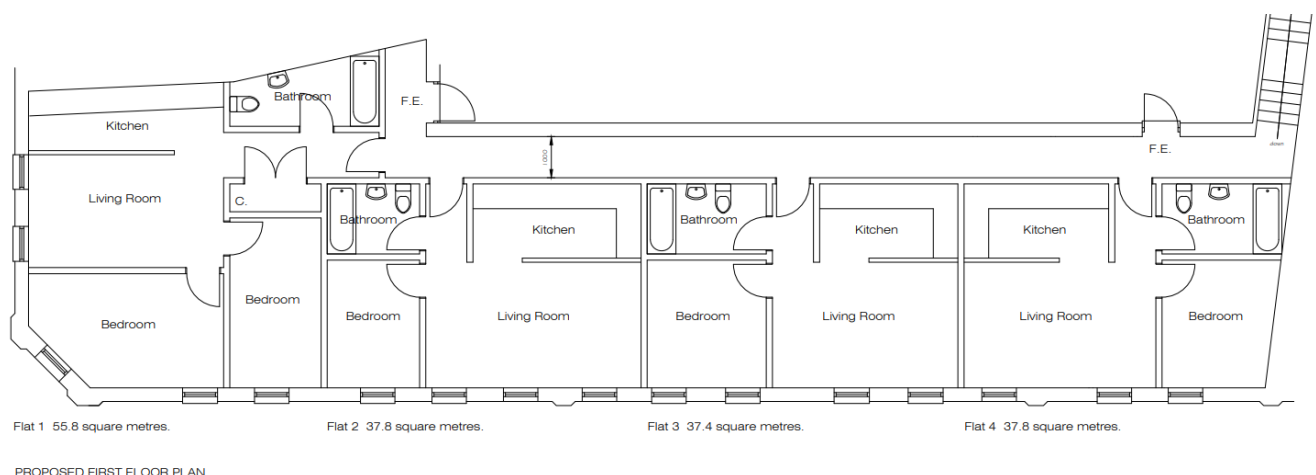
5. ***Prior to their use in the construction of the development hereby permitted, details of the materials to be used in the construction of the external surfaces of the development shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.***

Reason: In the interest of the Conservation Area and visual impact upon the area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

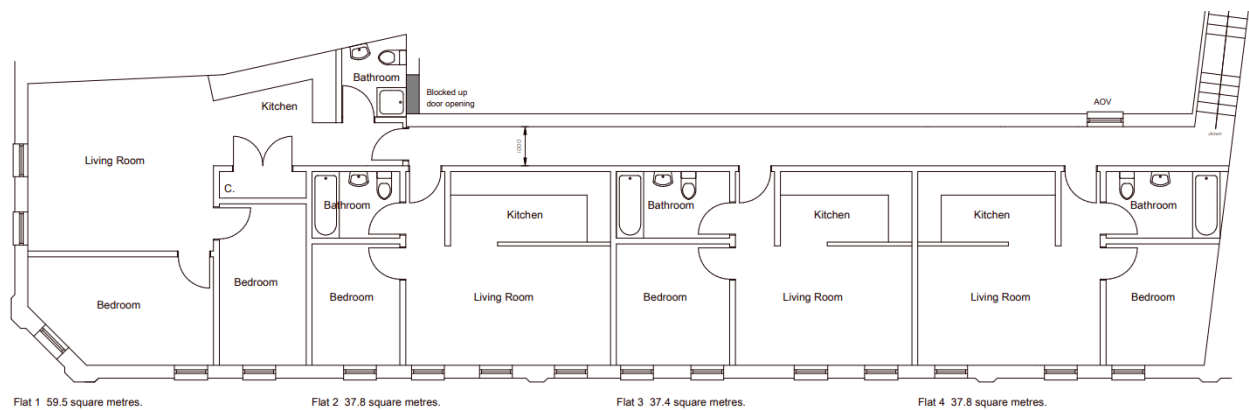
2.0 Condition No 3

2.1 Condition No 3 required the submission of boundary treatment to the 1st floor flat areas. This was to ensure the flat roof areas couldn't be used and result in a detrimental impact on the area. The development did not require to subsequently incorporate access onto the flat roof areas to the rear as a means of escape and as such the proposal seeks consent to remove these elements from the proposal:

Approved floor Plan



Proposed Floor Plan



PROPOSED FIRST FLOOR PLAN

- 2.2 The removal of access from the 1st floor negates the need to provide boundary treatment on the rear flat roof as it can no longer be accessed. As such this application seeks to amend the floor plan and negate the need for the boundary treatment.
- 2.3 Section 96A of the TCPA 1990 allows a non-material amendment to be made to an existing planning permission via a simple application procedure to the local planning authority with a quick determination period.
- 2.4 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 nonmaterial in one context may be material in another.
- 2.5 The responsibility for determining whether a proposed change is nonmaterial lies with the local planning authority. It must be satisfied that the amendments sought to the planning permission are non-material in nature and can therefore be determined as an application under Section 96A of the TCPA 1990.
- 2.6 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, local planning authorities may wish to consider 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?**

2.7 The proposal will block up one of the fire escape doors and replace the other fire door with a fixed window.

2.8 An assessment against the tests is made below:

(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,

The proposal will not result in changes to the scale of the development.

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

From an amenity perspective, the amended proposal will result in no external alterations over and above what was approved as part of the previous application. Therefore, the impact on visual amenity will be neutral.

The amendment will prevent access to the rear 1st floor roof.

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

The amended scheme would remove the ability to access the 1st floor flat roof and therefore would not prejudice the interest of any 3rd party or body in planning terms.

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

The amended proposal would not conflict with national or development plan policies.

2.9 In conclusion, the proposed alterations are considered non-material amendments to the original planning permission and complies with the recommended tests.

3.0 Condition No 5

3.1 The condition require the submission of materials for external surfaces and we can confirm the following materials have been used in the construction:

Walls

3.2 The proposal has utilised a smooth render to match the existing panels painted white to match the existing building:



Windows

3.4 All windows are timber and have utilised RAL colour 7016:



Shop front and doors

3.5 All shopfront and doors have been constructed from aluminium and utilised RAL colour 7016:



Guttering and down pipes

3.6 All guttering and down pipes is black upvc.