



12th August 2024
Ref: RJ/24.120

Matthew Griffiths
Senior Planner
Planning Division
Neath Port Talbot County Borough Council
The Quays
Brunel Way
Baglan Energy Park
Neath
SA11 2GG

Dear Matthew,

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
S96A APPLICATION – VARIATION OF CONDITION 2 (APPROVED PLANS) AND 18
(PLANTING & GREEN INFRASTRUCTURE PLAN) OF P2023/0233 TO RECTIFY
DISCREPANCY BETWEEN APPROVED PLANS OF THE PREVIOUSLY APPROVED
DEVELOPMENT
LAND AT HARVEY CRESCENT, ABERAVON, PORT TALBOT, SA12 6DF
PLANNING PORTAL REFERENCE: PP-13266969

On behalf of the applicant, Coastal Housing Group, please find enclosed a Non-Material Amendment (NMA) application in respect of planning permission P2023/0233.

In preparing the construction drawings, a discrepancy between the approved architectural site layout (ref: HCCH-HMA-ZZ-ZZ-D-A-00093-S0-P04) and the sustainable drainage approving body (SAB) approved engineering layout (ref: 2336-100-rev.C) was identified. The discrepancy relates to the steps leading to the front door of plot 1 which is set above the footpath. On the engineering drawing, the steps adjoin the footpath and lead to a raised platform area along the western half of the dwelling. On the architectural drawing, the steps lead directly to the front door and the area in front of the western half of the site is proposed at the same level as the footpath.

The retaining walls have been constructed in accordance with the SAB approved engineering drawings, therefore the applicant is looking to update the architectural drawings to reflect the engineering drawing via a non-material amendment. The application also seeks to update the reference of the approved Planting and Green Infrastructure Plan referred to in condition 18.

The application is submitted following email exchange between the Authority and the applicant, whereby it was agreed that the proposed amendments will not have any impact upon privacy or amenity issues, and the broad appearance of the elevations will remain consistent. It was agreed that the changes would not be significant in planning terms.

The following drawings, prepared by Holder Mathais Architects, are submitted in support of the non-material amendment:

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22 Cathedral Road, Cardiff, CF11 9LJ
02920 349737

EXETER OFFICE
Winslade Manor, Manor Drive, Clyst
St Mary, Exeter EX5 1FY
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DRAWING	REFERENCE	PREPARED BY
Site Layout	HCCH-HMA-ZZ-ZZ-D-A-00093-S0-C02	Holder Mathais Architects
Block A Sections	HCCH-HMA-ZZ-ZZ-D-A-00310-S0-P03	Holder Mathais Architects
WDQR_2B3P Bungalow Type 01	HCCH-HMA-ZZ-ZZ-D-A-80010-S0-P03	Holder Mathais Architects
Proposed Site Plan	HCCH-HMA-ZZ-ZZ-D-A-00092-S0 P04	Holder Mathais Architects
Planting & Green Infrastructure Plan	606.01 rev B	Catherine Etchell Associates

The submitted drawings replace the approved drawings listed below:

DRAWING	REFERENCE	PREPARED BY
Site Layout	HCCH-HMA-ZZ-ZZ-D-A-00093-S0-P04	Holder Mathais Architects
Block A Sections	HCCH-HMA-ZZ-ZZ-D-A-00310-S0-P03	Holder Mathais Architects
WDQR_2B3P Bungalow Type 01	HCCH-HMA-ZZ-ZZ-D-A-80010-S0-P02	Holder Mathais Architects
Proposed Site Plan	HCCH-HMA-ZZ-ZZ-D-A-00092-S0 P03	Holder Mathais Architects
Planting & Green Infrastructure Plan	606.01 rev A	Catherine Etchell Associates

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 planning permission 21/0574/FULL fail to meet each of the test, and therefore 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 change is made to regularise the approved plan, to ensure that the correct site layout is listed on the approved plan. There is no change to the scale of the building and the change to the steps layout will not be different to that caused by the original approved development scheme, nor would it result in a detrimental impact either visually or in terms of local amenity.

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

The proposed changes address inaccuracies in the approved drawings and will not fundamentally alter the parameters of the approved development. They will therefore not have a detrimental impact on the interests of any third party or body in planning terms, over those matters previously considered.

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 that the documentation submitted enables you to register the application and I look forward to receiving confirmation of the validation of the application. In the meantime, should you require any further information or clarification, please do not hesitate to contact me.

Yours sincerely,



Rhys Jones

Principal Planner

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