

3rd August 2024
Our Ref: 20.8028

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Dear Sir/Madam,

**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 other infrastructure.

The submission seeks to make minor amendments to Conditions 2 and 19 of the original full planning consent.

In addition to this covering letter, the following documents have been submitted with this application:

- Non-material amendment application form;
- Site Location Plan (Ref. 2430 - 01(02)101);
- Roof Details Main Roof Gable Verge (Ref. 2430/27/06 Rev B);
- Bungalow Type 3.2.1 2 bedroom 3.2.1 – Plots 4 & 5 Right Side Elevation (Ref. 2430-02-(20)13 Rev C); and
- Bungalow Type 3.2.1 2 bed 3.2.1 – Plots 16, 17 & 18 Right Side Elevation (Ref. 2430-02-(20) 13-01 Rev B).

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.

Background

On 21st December 2021, the Full Planning Permission (app ref. P2021/0428) was granted in relation to the site for:



“Development of 52 affordable dwellings and associated access, landscaping and site infrastructure (Amended plans/documents received 23/6/21 and 5/7/21) (Amended Plans/Documents Rec 26/7/21 and 29/7/21) (Protected Species Surveys Rec 2/8/21) (Addendum Ecological Report 23/8/21) (Amended site layout, external engineering works and drainage strategy rec 3/9/21) (Amended landscape scheme rec 6/9/21)”

Following approval, NMA applications have been submitted and approved as detailed within the application description above.

The most recently approved NMA application (app ref. P2022/0398) was granted 22nd June 2022 for the following:

“Amendment to approved plans (as referenced in conditions 2, 24, 25, and 26 of planning permission P2021/0428 for 52 affordable dwellings etc) to amend Sketch Layout, Detailed Soft Landscaping Proposals and Bin Store details to address highway concerns”.

Condition 2

Condition 2 of the P2021/0428 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.

Following the full approval, the Sketch Layout, Detailed Soft Landscape Proposals, Bin store plans and elevation plots 12-14 & 38-41, and Bin store plans and elevations Plots 34-35 were approved as a non-material amendment within the above application P2022/0398.

Condition 19

Condition 19 of the permission relates to the proposed materials, stating that: *“Notwithstanding the submitted plans, prior to their use in the construction of the development hereby permitted, details and samples of the materials to be used in the construction of the external surfaces of the development, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.”*

Details in respect of Condition 19 were approved by planning permission ref. P2022/0135 on 20th June 2022.

NMA Proposal

This proposal seeks to amend Condition 2 (Approved drawings) and 19 (Materials) of Full Planning Permission P2021/0428 and replace a number of the approved drawings with the amended drawings (as detailed below) as the brick slips on the overhanging gables greater than 600mm have been amended to a Cedral Board on the stepped back housing units.

Drawing Title as listed on DN (app ref. P2021/0428)	Approved Reference	Updated Reference
Elevations Plots 4 & 5		2430-02-(20)13 Rev C
Elevations Plots 16 - 18	2430-(02) 324 Rev A HT 321	2430-02-(20)13-01 Rev B
		2430 – DETAILS SCALE 1-5-2430-27-06B ROOF GABLE VERGE

All other associated drawings remain as approved and listed under Condition 2 of planning permission ref. P2021/0428.

The key changes to the proposal are therefore as follows:

- The proposed gable end material between bungalows plot 4 and 5, bungalow plot 16 and 17, 17 and 18 and between House plot 2 and 3 has been updated to a Cedral Board.

Assessment

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.

The proposed changes sought through this non-material amendment application will not alter the number of dwellings of the original permission. The design and overall design principles shown on the revised drawings submitted via this application remain as approved, with the proposed amendment proposing a very minor non-material change to the use of materials on specific gable ends to a Cedar Board which is similar to the approved palette of materials.

The proposed change to a Cedral Board is necessary as the project team were unable to find a suitable product that met Premier Guarantee new standards with regards to the BBA Certification. However, the proposed Cedral product will meet the required standards.

The alteration to the proposed gable end material will not result in any minor consequential changes to the layout or positioning of dwellings, with all dwellings retaining the outlook, scale and massing as previously approved.

The changes proposed will also not increase the height of any proposed dwellings, nor any movement in the plot locations. The proposed alterations will therefore not materially impact nearby residents or change the outcome of the planning considerations which formed the original decisions.

The proposed changes are not significant in terms of their scale (magnitude or degree) in relation to the original proposal and the proposed changes would not result in any detrimental impact to either highway nor visual amenity.

Summary

The proposed change to the use of materials on specified gable ends is non-material in nature. The overall design principles will remain as approved under the full permission.

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

- The proposed change is not significant in terms of its scale (magnitude or degree) in relation to the original proposal.
- The proposed change would not result in any detrimental impact either visually or in terms of amenity.
- 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

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Director

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