



18 February 2025
Our Ref: 21.146

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

Dear Sir/Madam,

SECTION 96A SUBMISSION/ PLANNING PORTAL REF PP-13789766

PROPOSED CHANGES TO APPROVED HOUSE TYPES (PLOTS 5 TO 8) GRANTED UNDER PLANNING PERMISSION P2021/0780, WHICH HAS BEEN PARTIALLY CONSTRUCTED.

LAND AT PEARSON WAY, PENRHIWTYN, NEATH, SA11 2EJ

LRM Planning is instructed by Wellspring Homes to act as agent in the preparation of the above S96a/NMA application.

BACKGROUND

Planning permission was granted for the erection of eight dwellings under LPA Ref P2021/0780, subject to conditions. Applications to discharge associated conditions were made under LPA Refs P2022/0418 and P2022/0927, which were subsequently granted. Furthermore, S96a applications were made to secure minor changes to the approved scheme under LPA Refs P2022/0413 and P2023/0395. These were again approved following the usual appraisal process.

The approved scheme is in the process of being constructed. The applicant has been in discussion with Pobl Group, a Registered Social Landlord, about the sale of certain plots which would be procured as affordable housing. However, in order to meet the specific accommodation needs, coupled with the requirement to satisfy Welsh Governments design quality requirements there is a need for certain changes to be made.

SUBMISSION DOCUMENTS

To assist the consideration of this proposal, the following plans and documentation are included:

DOCUMENT / PLAN	REFERENCE	PREPARED BY
CARDIFF OFFICE 22 Cathedral Road, Cardiff, CF11 9LJ 02920 349737	EXETER OFFICE Winslade Manor, Manor Drive, Clyst St Mary, Exeter EX5 1FY 01392 690060	admin@lrmpanning.com lrmpanning.com

Site location plan	1001-S4-P1	Pentan Architects
Site location plan plots 5-8	1005-S4-P1	Pentan Architects
Proposed site layout plan plots 5-8	1011-S4-P2	Pentan Architects
House Type C (Plots 5 & 6)	3200-S4-P4	Pentan Architects
House Type D (Plot 7)	3300-S4-P4	Pentan Architects
Planning statement/Covering letter	February 2025	LRM Planning
Completed forms	February 2025	LRM Planning

The correct fee of £115 has been paid directly by the agent.

In view of the scale and nature of the proposed changes it is not considered necessary to go into usual detail about the site description, policy context etc. Instead, this statement will just provide additional commentary to assist the LPA through the appraisal process.

SUMMARY OF PORPOSED CHANGES

As noted earlier, the applicant is proposing the sale of certain plots on the development to Pobl Group with the properties to be secured as affordable housing. However, in order to meet the specific need of the local area, coupled with the requirement to address Welsh Government design quality requirements, a certain number of changes are required. However, it should be noted the main buildings themselves, position, height etc, are to remain unchanged.

Plots 5 and 6 are to be changed to type C, plot 7 is to be changed to type D and plot 8 is to remain as type B.

For Type C, at first floor level an additional bedroom is shown occupying the former roof void, with roof light to the rear and a subsequent modification to the PV array. For Type D, at first floor level, this roof void is shown to occupy an additional bathroom.

GREEN INFRASTRUCTURE

Edition 12 of PPW, the latest version of the framework, was published in February 2024. This version imposes a duty on competent authorities such as Neath Port Talbot County Borough Council to conserve and enhance biodiversity and introduces a requirement for all planning applications to be accompanied by a green infrastructure statement. Specifically, paragraph 6.2.12 states that: "A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants.

In this instance the GI and Biodiversity considerations of the development were considered under the original permission for the site, which was supported by an ecological assessment, with further controls in place under details agreed through the discharge of conditions which sought to protect the biodiversity interests of the site and ensure net biodiversity gain. In view of the scale and nature of the proposals these measures remain in place and relevant to this proposal (informative conditions can be utilised to ensure that this matters is secured).

JUSTIFICATION FOR DETERMINATION UNDER S96A

Section 96A of the Town & Country Planning Act 1990, allows for non-material amendments to be made to an existing planning permissions. Welsh Government have 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. Whilst an additional single bedroom is included within the roof void for two of the plots, these changes could be pursued as permitted development, once occupied, without the need of planning permission. Moreover, given the changes being pursued to plot 4, the total habitable accommodation on the site will be reduced by a potential of two persons.

It should be noted that with the units being sold to an RSL, the units are to be retained as affordable housing which has a lower level of car ownership compared to private equivalent properties. As such, it is considered that the car parking provision available is suitable and fit for purpose.

The external fenestration changes are very minor and focus on the real 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. Should you have any queries or would like to discuss in any further detail, please don't hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Sam Courtney', with a stylized, overlapping loop structure.

Sam Courtney BA (Hons) MA (Uc) MRTPI

Director, LRM Planning

Cc. Wellspring Homes

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