



Development Control
NPTBC

By Email only to PlanningServices@rctcbc.gov.uk

23rd July 2025

Dear Sir/ Madam,

Re: Former Briton Ferry Health Centre Brunel Way The Quays Briton Ferry SA11 2FP - Proposed Non-Material Amendment Pursuant to Planning Permission P2023/0767 – “Section 73 Application to vary condition 1, to allow a further four years for the commencement of development of planning permission P2019/0017 granted 04/03/2019. Permission is for the demolition of existing health centre and construction of two storey detached, 40 bed Nursing Home.”

I am pleased to enclose an application for a non-material amendment to the scheme approved under planning permission P2023/0767.

Background and Context

On 23rd August 2024 Neath Port Talbot Borough Council (NPTBC) approved a Section 73 Application (ref: P2023/0767) to vary condition 1, to allow a further four years for the commencement of development of planning permission P2019/0017 granted 04/03/2019. Permission is for the demolition of existing health centre and construction of two storey detached, 40 bed Nursing Home.

This non-material amendment application promotes an amendment to the description of the approved scheme to remove the reference to 40 bedrooms and amend the reference to ‘nursing home’ to ‘care home’, as follows:

Non-material amendment application to vary the description of development on planning consent P2023/0767 [Section 73 Application to vary condition 1, to allow a further four years for the commencement of development of planning permission P2019/0017 granted 04/03/2019. Permission is for the demolition of existing health centre and construction of two storey detached, 40 bed Nursing Home] to remove the quantity of bedrooms and amend ‘nursing home’ to ‘care home’.

This application will be followed by a s.73 application to vary the approved plans so that they are in accordance with the description. We have been advised previously by Matthew Griffiths, Senior Planner, that this is the LPA’s preferred procedural course of action and we have attached a copy of the informal advice received for ease of reference.

Summary of Amendments

The applicant proposes to reduce the number of bedrooms from 40 to 24. As such the applicant seeks to remove the number of bedrooms referred to in the description. The reduction will necessitate amendment of the approved plans in terms of the footprint of the building and elevations. The amendments also seek to remove reference to nursing home in the description and replace it with care home to allow a more flexible use for the end user. A further S.73 application will be made to vary the approved plans in due course.

Legislative Context

Section 96A of the Town and Country Planning Act 1990 (TCPA 1990) (as amended) provides the mechanism for the promotion of non-material amendments to an existing planning permission and prescribes some of the operational matters associated with it.

Section 96A(1) of the TCPA 1990 identifies the scope of the non-material amendment procedure and advises that:

“A local planning authority may make a change to any planning permission or any permission in principle (granted following an application to the authority), relating to land in their area if they are satisfied that the change is not material.”

Section 96A(2) of the TCPA 1990 identifies what the LPA should have regard to in considering applications for non-material amendments:

“In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.”

Relevant Welsh planning legislation includes the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) and the Town and Country Planning (Fees for Non-Material Changes) (Wales) Regulations 2014.

Whilst there is no statutory definition of a ‘non-material amendment’, in July 2014 the Welsh Government published planning guidance on approving non-material amendments. This guidance confirms that existing conditions can be removed or altered providing the resultant effect is a non-material change.

In deciding whether or not proposed changes are non-material, consideration should be given to the effect of such changes. When assessing and determining whether or not proposed changes would qualify as non-material amendments, the guidance suggests four tests as a ‘starting point’ for local planning authorities in their consideration. Each of the tests is addressed 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?

The proposed change is to the description only so will not alter the impact caused by the original scheme. The proposed change seeks to facilitate changes required by the end user of the care facility, and given that it proposes a reduction in number of units, represents a deintensification of use.

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

The proposed changes are to the description of development only and so will have no detrimental impact in terms of amenity or visual appearance.

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

Given the nature of the proposed amendments, third parties will not be disadvantaged in planning terms.

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

The development has been fully considered against national and the local development plan policies by the Council during the consideration of the original application. The proposed amendment to the scheme will not conflict with planning policy.

Conclusion

Having regard to the proposed amendments, it is considered that these would not be material, and consequently that it would be appropriate for the LPA to approve these under Section 96A of the Act.

We trust the information set out in this letter, and in the enclosures provides sufficient information to enable the Authority to confirm the amendment proposed to planning permission P2023/0767 constitutes a non-material amendment.

We look forward to hearing from you in due course. In the meantime, should you require any further information and/or clarification with respect to this matter, please do not hesitate to contact me.

We look forward to receiving confirmation of the registered application shortly.

Yours faithfully



Louise Humar

Amity Planning