

OFFICER REPORT

Application Number: P2026/0232

Site Address: Caewern House Dwr Y Felin Road Caewern Neath Port Talbot SA10 7RH

Proposal: Non-material amendment to planning permission P2024/0301 (Approved on 11.9.2025) to amend the details approved under condition 04 (contamination assessment), condition 05 (remediation scheme), condition 06 (land instability), condition 07 (broadband provision), condition 09 (road safety audit), condition 10 (refuse/recycling collection) and condition 15 (landscape management plan) - rewording conditions to allow demolition, site clearance, and ground investigation to take place prior to the submission of technical details. Rewording of condition 13 (to implement approved tree protection scheme prior to demolition and site clearance)

Applicant: Jones Brothers (Henllan) Limited

Agent: Mr Michael Southall

Ward: Bryncoch South

Application Type: App for Non-Material Amendments

Valid Date: 13th April 2026

Statutory Expiry Date: 10th May 2026

Ext. of Time / PPA date: 10th June 2026

Publicity Expiry Date: 8th June 2026

RECOMMENDATION - Approved

Proposed Non-Material Amendment to Existing Planning Permission

The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2014 came into force on 1 September 2014. This inserts a new article 28A into the DMPWO 2012 which “applies to an application made under section 96A(4) of the 1990 Act (power to make non-material changes to planning permission)”.

REGISTRATION AND ASSESSMENT

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<u>FORM</u>	
Is the application made on the correct Form?	Yes / No
<u>INTEREST IN THE LAND</u>	
Is the application made on behalf a person with an interest in the land? (Q5) Note: An application can only be made by a person who owns or has a legal interest in the land to which the non-material amendment relates, or someone else acting on their behalf. These are: - A freeholder. - A holder of a lease with over two years remaining (whether as a head lessee, sub-lessee or tenant of an agricultural holding). - A mortgagee. - Someone with an estate contract (i.e. an option to acquire a legal interest in the land or a contract to purchase the land).	Yes / No
<u>FEE</u>	
Is the application accompanied by the correct fee? (Householder £123; Any other case £242)	Yes / No
Is the application exempt from a fee? Note: The Town and Country Planning (Fees for Non-Material Changes) (Wales) Regulations 2014. - Regulation 4 provides for an exemption from fees in relation to the provision of access to or within a dwellinghouse for a disabled person. - Regulation 5 provides for an exemption from fees in certain cases where permitted development rights have been withdrawn (where they relate to the amendment sought)	Yes / No
If exempt, please state the reason: N/A	

<u>DETAILS</u>	
Is the description of the amendment sought acceptable? (Q8)	Yes / No
If NO, amend the description in FastPlanning Note: ACK letter advises applicant/agent to check description	
Is the application accompanied by sufficient information in the form of amended drawings / plan?	Yes / No
If NO, why?	
If no to either of the above, contact the applicant and request agreement to amended description and/or additional information	
<u>CONSULTATIONS / NOTIFICATIONS</u>	
An application made under s96A is <u>not</u> an application for planning permission - Existing DMPWO provisions relating to statutory consultation and publicity <u>do not apply</u>. LPAs have discretion in whether and how they choose to inform other interested parties or seek their views, although given that the changes sought will be non-material in nature, it is not expected that consultation or publicity will be necessary in the majority of cases. Where the local planning authority considers consultation is required, it is expected that the local planning authority will target specific third parties who may be affected by the amendment or may assist in determining if it is material.	
Is it considered necessary to notify consultees or neighbours in respect of the amendment sought? (14 day consult only) (14 days should be given to make representations from the date of notification, after which their representations may not be taken into account)	Yes / No
If YES, which neighbours <u>and why</u> : As the application proposes a change to the ‘pre-commencement’ trigger for submission of details to satisfy the planning conditions, the various technical consultees from which the original conditions were derived have been consulted for their view on whether demolition of Caewern House, site clearance and ground investigation works can commence prior to submission of the technical details. The NMA application as originally submitted sought removal of conditions 07 and 30, however following negotiation these conditions are now proposed to be amended to a later development stage rather than removed altogether. Highways – Object to removal of condition 30 (RSA Stages 1-4). Require condition 09 (RSA Stages 1 and 2) to remain – a Stage 1 and 2 RSA has now been submitted. No objection if condition 30 is unchanged. Biodiversity – No comments.	

Contaminated Land – No objections.

Tree Officer – No comments in respect of the conditions listed however the demolition, site clearance and ground investigation works fall outside of the defined construction phase and risk damage to retained trees unless the approved tree protection measures are implemented prior to any demolition, site clearance or ground investigation works commencing on site.

Mining Remediation Authority – No objection

Natural Resources Wales – No comments

ASSESSMENT OF PROPOSED AMENDMENT

Non-material amendments to an existing planning permission are normally small changes to an approved development proposal that have no impact on the overall context of the development scheme or its surroundings.

The responsibility for determining whether a proposed change is non-material 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.

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 are advised 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;

NO

And

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

NO

B. Would the interests of any third party or body be disadvantaged in planning terms?

NO

C. Would the proposed change conflict with National or Development Plan policies?

NO

The above tests are considered a 'starting point' for local planning authorities in their consideration of non-material amendments. There may be other considerations that will identify if a proposed amendment is non-material depending on the circumstances of each case.

Are there any other circumstances which affect whether or not the amendment sought is considered to be non-material?

(e.g. Conditions; any material change of circumstances since decision; ground levels etc.)

THE HIGHWAY OFFICER'S ORIGINAL OBJECTION HAS BEEN SATISFACTORILY ADDRESSED THROUGH NEGOTIATION/AMENDMENT.

Have there been any other amendments to the original approved development? If so, do they affect conclusions of whether the changes sought are a Non-material? If so, why.

YES – NMA P2025/0891 AMENDED LIST OF APPROVED PLANS (CONDITION 2) BUT THIS DOES NOT AFFECT THE MATERIALITY OF THE CURRENT NMA APPLICATION.

If accepted to be a non-material amendment, are any additional conditions required in respect of the non-material amendment sought?

NO – BUT THERE IS A REQUIREMENT TO IMPLEMENT THE APPROVED TREE PROTECTION MEASURES (REQUIRING AN AMENDMENT TO THE WORDING OF CONDITION 13) PRIOR TO DEMOLITION, SITE CLEARANCE AND GROUND INVESTIGATION WORKS COMMENCING ON SITE

Having regard to the above assessment, the following recommendation is made

RECOMMENDATION: *(delete as applicable)*

A. That the amendment sought is APPROVED as a non-material amendment

~~**B. That the amendment sought is APPROVED as a non-material amendment subject to the following additional condition(s):–**~~

.....

C. That the application is ~~PARTIALLY-APPROVED~~ with the following amendments only ~~APPROVED~~ as a non-material amendment:

.....

If subject to additional condition(s) please state:-

.....

And the following amendment(s) are ~~NOT APPROVED~~, since it is / they are considered to constitute a material amendment to the existing planning permission

.....

D. That the amendment sought is ~~NOT APPROVED~~, since it is / they are considered to constitute a material amendment to the existing planning permission

RECOMMENDATION

Approved

Subject to the following conditions/reasons, which have been imposed for the reasons stated:-

Case Officer	Claire Hall
Telephone No.	01639 686727
Date of Recommendation	10th June 2026