

Date: 27th January 2025

Our Ref: 21.138

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Town and Country Planning Permission Act 1990 (as amended)

Non-Material Amendment application for the variation of condition 5 (Parking and Turning) and 8 (Ecological Enhancement and Habitat Management Plan) of planning consent 22/0919 granted on 8th January 2025

Land At North And South Site St John's, Oak Road, Rogerstone, Newport, South Wales

Planning Portal ref. PP-13727026

Asbri Planning Ltd have been instructed by Newport City Homes to submit an application for a non-material amendment to vary condition 5 and 8 of the above consent to change the trigger of the condition.

The following updates are proposed to condition 5 and 8 referenced above:

Approved Planning Conditions Wording	Proposed Planning Conditions Rewording
<i>Condition 5</i>	
Notwithstanding the submitted plans, prior to any development, full details of parking, HGV turning and servicing areas (including full details of the turning head to the rear of House H3) shall be submitted to and approved in writing by the Local Planning Authority. The areas identified shall be, surfaced, drained, permanently marked out/demarcated and implemented prior to first occupation of the premises and retained for parking/servicing purposes thereafter. For the avoidance of doubt the proposed turning head adjacent to units H2/H3 within highway is included, as an integral component of the servicing strategy.	Notwithstanding the submitted plans, prior to any development, except for on the southern phase as defined by plan AB001 , full details of parking, HGV turning and servicing areas (including full details of the turning head to the rear of House H3) shall be submitted to and approved in writing by the Local Planning Authority. The areas identified shall be, surfaced, drained, permanently marked out/demarcated and implemented prior to first occupation of the premises and retained for parking/servicing purposes thereafter. For the avoidance of doubt the proposed turning head adjacent to units H2/H3 within highway is included, as an integral component of the servicing strategy.
Reason: To ensure that adequate on-site provision is made for traffic generated by the use of the premises, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and that hard-surfaced areas are satisfactory in appearance.	Reason: To ensure that adequate on-site provision is made for traffic generated by the use of the premises, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and that hard-surfaced areas are satisfactory in appearance.
<i>Condition 8</i>	
Prior to commencement of any development, an ecological enhancement and habitat management plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall	Prior to any above ground building construction , an ecological enhancement and habitat management plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall accord with the

accord with the recommendations of the Green Infrastructure Statement and shall include: Locations and specifications of bird boxes and bat boxes Frequency of management Who will be responsible for the management. The enhancement measures shall be fully implemented prior to beneficial occupation of any dwelling and managed in accordance with the approved details. Reason: In the interests of ecology.	recommendations of the Green Infrastructure Statement and shall include: Locations and specifications of bird boxes and bat boxes Frequency of management Who will be responsible for the management. The enhancement measures shall be fully implemented prior to beneficial occupation of any dwelling and managed in accordance with the approved details. Reason: In the interests of ecology.
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Proposed Amendments

The proposals include a variation to the trigger for the wording of conditions 5 and 8. This variation will allow a more suitable programme to be followed for the construction period.

Section 96a of the Town & Country Planning Act 1990 allows non-material amendments to be made to an existing planning permission. This was brought into effect on the 1st September 2014. The Welsh Government has produced a guidance note entitled 'Approving Non-material Amendments to an Existing Planning Permission' which sets out four tests to be considered in determining whether an application qualifies as a non-material amendment.

It is, therefore, necessary to assess the proposed amendments against the four tests in turn:

(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?

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

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

(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 scale of the proposed change is not great enough to cause an impact different from that caused by the originally approved development scheme. The proposal only relates to alterations to the wording of conditions 5 and 8 and will not result in any change to the scale of the development.

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

The proposed changes would not result in a detrimental impact, either visually or in terms of local amenity. The proposal only relates to the alterations to the wording of conditions 5 and 8 and will not result in any changes to the appearance of the development.

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

The interests of any third party or body would not be disadvantaged in planning terms. The proposed changes only relate to the alterations to the wording of conditions 5 and 8 as such there are no differences from the originally approved scheme in terms of the approved details. The proposed triggers for conditions 5 and 8 secure the details required in a suitable timeframe.

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

The proposed changes will not conflict with any national or development plan policies as are minor in nature. The proposals comply with Welsh Government Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission (July 2024).

It is for these reasons that Newport City Council Local Planning Authority is respectfully requested to grant approval of the non-material amendment to vary condition 5 and 8 of planning consent 22/0919.

The planning fee of £115.00 to support the application will be submitted paid promptly. I trust this, and the enclosed is satisfactory in order to approve the application. If you require any further information, please don't hesitate to contact.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'I. Richards'.

Iestyn Richards | Student Planner