

**Date:** 1<sup>st</sup> April 2019  
**Our Ref:** 18.271

Unit 9 Oak Tree Court  
Mulberry Drive  
Cardiff Gate Business Park  
Cardiff  
CF23 8RS

Geraint Roberts  
Planning and Economic Regeneration,  
Newport City Council,  
Newport,  
South Wales,  
NP20 4UR

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Dear Geraint,

**Town and Country Planning Permission Act 1990 (as amended)**  
**Non-Material Amendment application for the variation of condition 1 (approved plans) of**  
**planning consent 18/0293 granted on 3<sup>rd</sup> October 2018**  
**Land To South Of Glan Usk Primary School, Herbert Road, Newport**  
**Planning Portal Reference: PP-07726676**

Asbri Planning Ltd have been instructed by Engie to submit an application for a non-material amendment to vary condition 1 of the above consent to allow for the replacement of plans at Land To South Of Glan Usk Primary School, Herbert Road, Newport.

Condition 1 of planning permission 18/0293 refers to the full suite of approved plans. The condition states:

1. The development shall be carried out in accordance with the following plans & documents:

- Drawing A102732 P LA1 F – Landscape Layout
- Drawing A102732 P LA2 F – Planting Details (1 of 7)
- Drawing A102732 P LA3 F – Planting Details (2 of 7)
- Drawing A102732 P LA4 F – Planting Details (3 of 7)
- Drawing A102732 P LA5 F – Planting Details (4 of 7)
- Drawing A102732 P LA6 F – Planting Details (5 of 7)
- Drawing A102732 P LA7 F – Planting Details (6 of 7)
- Drawing A102732 P LA8 F – Planting Details (7 of 7)
- Drawing 1795 103 D – Engineering Layout
- Drawing 3073(04)100 O – Site Layout
- Drawing 3073(04)201 A – House Type A Ground Floor Plan
- Drawing 3073(04)202 – House Type A First Floor Plan
- Drawing 3073(04)211 – House Type B Ground Floor Plan
- Drawing 3073(04)212 – House Type B First Floor Plans
- Drawing 3073(04)221 – House Type C Floor Plan, Ground Floor Plan
- Drawing 3073(04)222 – House Type C First Floor Plan
- Drawing 3073(04)231 – House Type C&D Ground Floor Plan
- Drawing 3073(04)232 B – House Type C&D First Floor Plan
- Drawing 3073(04)241 – House Type E Floor Plans, Ground Floor Plan
- Drawing 3073(04)242 – House Type E Floor Plans, First Floor Plan
- Drawing 3073(04)261 – House Type G, Floor Plans, Ground Floor Plan
- Drawing 3073(04)262 – House Type G Floor Plans, First Floor Plan
- Drawing 3073(04)271 A – House Type H Floor Plans, Ground Floor Plan
- Drawing 3073(04)272 A – House Type H Floor Plans, First Floor Plan
- Drawing 3073(04)281 A – House Type I & J Floor Plans, Ground Floor Plan
- Drawing 3073(04)282 – House Type I & J Floor Plans, First Floor Plan
- Drawing 3073(04)291 – House Type K Floor Plans, Ground Floor Plan
- Drawing 3073(04)292 – House Type K Floor Plans, First Floor Plan

- Drawing 3073(04)293 – House Type K Floor Plans, Second Floor Plan
- Drawing 3073(04)301 B – House Type A Elevations (Type 1)
- Drawing 3073(04)302 B – House Type A Elevations (Type 2)
- Drawing 3073(04)311 B – House Type B Elevations
- Drawing 3073(04)322 C – House Type B Elevations (Type 2)
- Drawing 3073(04)323 B – House Type C Elevations (Type 3)
- Drawing 3073(04)331 B – House Type C&D Elevations (Type 1)
- Drawing 3073(04)332 B – House Type C&D Elevations (Type 2)
- Drawing 3073(04)333 B – House Type C&D Elevations (Type 3)
- Drawing 3073(04)341 A – House Type E, Elevations
- Drawing 3073(04)342 A – House Type E, Elevations (Type 2)
- Drawing 3073(04)343B - House Type E Elevations (Type 3)
- Drawing 3073(04)344 B – House Type E Elevations (Type 4)
- Drawing 3073(04)361 A – House Type G, Elevations
- Drawing 3073(04)371 C – House Type H, Elevations
- Drawing 3073(04)381 C – House Type I & J Floor Plans, Elevations
- Drawing 3073(04)391 A – House Type K Elevations (Type 1)
- Drawing 3073(04)392 A – House Type K Elevations (Type 2)
- Drawing 3073(04)2200 – House Type L1 (Plots 1-36), Floor Plans, Ground and 1st Floor Plan
- Drawing 3073(04)2211 – House Type L1 Floor Plans, Ground Floor Plan
- Drawing 3073(04)2212 – House Type L1 Floor Plans, First Floor Plan
- Drawing 3073(04)2213 – House Type L1 Floor Plans, Second Floor Plan
- Drawing 3073(04)2201 – House Type L1 (Plots 1-36), Floor Plans, Second Floor Plan
- Drawing 3073(04)2311 A – House Type L1 Elevations (Type 1)
- Drawing 3073(04)2312 A – House Type L1 Elevations (Type 2)
- Drawing 3073(04)2321 A – House Type L1 (Plots 1-36), Elevations (Type 1)
- Drawing 3073(04)2322 A – House Type L1 (Plots 1-36), Elevations (Type 2)
- Drawing 3154 (90)204 A – Proposed Site Plan (5 of 6)
- Drawing 3154(90)205 A – Proposed Site Plan (6 of 6)
- Drawing 1155090 300 A – Reinforced Earth Details (60 Degrees)
- Drawing 1155090 301 A – Reinforced Earth Details (70 Degrees)
- Drawing 1155090 302 B – Gabion Basket Retained Boundary
- Drawing 1155090 303 C – Gabion Basket Retaining Sections
- Drawing 1155090 304 C – Gabion Basket Retaining Sections
- Drawing 1155090 305 – Gabion Basket & Reinforced Earth Bank Extents Plan
- Drawing 1155090 551 – Reen Setting Out
- Unnumbered Drawing – Retaining Walls Revision A (07.03.2017)
- Unnumbered Drawing – Construction Site Layout (14/03/2018)
- Wildlife Protection Plan (WPP) & Environment Management Plan (EMP)

Reason: to comply with Welsh Government Circular 016/2014, Paragraph 5.30

It is proposed under this application to amend the above condition to the following (amendments in red):

1. The development shall be carried out in accordance with the following plans & documents:

- Drawing A102732 P LA1 F – Landscape Layout
- Drawing A102732 P LA2 F – Planting Details (1 of 7)
- Drawing A102732 P LA3 F – Planting Details (2 of 7)
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- Drawing 3073(04)262 – House Type G Floor Plans, First Floor Plan
- Drawing 3073(04)271 A – House Type H Floor Plans, Ground Floor Plan
- Drawing 3073(04)272 A – House Type H Floor Plans, First Floor Plan
- Drawing 3073(04)281 A – House Type I & J Floor Plans, Ground Floor Plan
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- Drawing 3073(04)291 A – House Type K Floor Plans, Ground Floor Plan
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- Drawing 3073(04)293 A – House Type K Floor Plans, Second Floor Plan
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- Drawing 3073(04)342 A – House Type E, Elevations (Type 2)
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- Drawing 3073(04)392 B – House Type K Elevations (Type 2)
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- Drawing 3073(04)2211 A – House Type L1 Floor Plans, Ground Floor Plan
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Reason: to comply with Welsh Government Circular 016/2014, Paragraph 5.30

The rewording of condition 1 is necessary to substitute the approved suite of plans with amended plans. The amendments include;

#### **House Type K**

- Omitted a window on the stairwell and centralised the remaining window

#### **House Type L**

- Omitted the windows on the stairwell

### **House Type C/D**

- Omitted windows to rear
- Reconfigured 1<sup>st</sup> floor layout

House types K and L comprise the apartment blocks located to the sites southern and western boundaries with the amendments including omitting windows on the stairwell. The amendment is required due to changes in design preference by the client. Sufficient light will be achieved in the stairwells with the remaining windows. In relation to house type C/D the proposal includes the reconfiguration of the 1<sup>st</sup> floor layout alongside omitting windows to the rear elevation. The reconfiguration of the 1<sup>st</sup> floor is necessary as the floor plan originally permitted was not practicable and could not be developed.

It is noted that on the planning permission 18/0293 the plan referenced in relation to House Type C&D First Floor Plan is Rev. B. This is an error as the plan that was submitted is the Rev. – as such the plan submitted within this NMA application is Rev. A.

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 changes are not great enough to cause an impact different to that caused by the originally approved scheme as they merely involve minor amendments to the house types being provided. The amendments comprise omitting windows to the stairwells of house types L and K and the reconfiguration of the 1<sup>st</sup> floor of house type C/D also omitting windows. As the amendments are for a reduction in the number of windows this will have a negligible impact on the scale of the originally approved scheme. The reconfiguration of the first floor layout is required due to the originally approved plan being impracticable and could not be developed.

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

The proposed changes will not result in a detrimental impact either visually or in terms of local amenity given that the amendments are minor to the house types L, K and C/D. Whilst the amendments will result in the loss of windows this will have a negligible impact on the amenity of residents as there is an appropriate level of windows providing light remaining. The amendments will result in a habitable window being created at house type D western elevation although this has been reviewed in line with the layout and there will be no issues with overlooking to other units. Given that the amendments include the reduction of windows the impact on local amenity within the surrounding area is again negligible. In relation to the visual amenity whilst the amendments will result in a visual change this will not be detrimental to the scheme as merely involves the reduction of windows.

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

Similarly to the points discussed under point (a), the proposed amendments will not increase overlooking and only relate to the details of house types. Whilst house type C/D includes the reconfiguration of the first floor layout creating a habitable window this will not increase overlooking or be detrimental to surrounding properties in terms of privacy. Therefore no third party bodies, statutory or otherwise, who maintain an interest in this application, would be disadvantaged by the amendments in planning terms.

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

Given the minor nature of the proposed amendment, there is unquestionably no conflict with planning policy on any scale.

It is for these reasons that Newport City Council's Local Planning Authority is respectfully requested to grant approval of the non-material amendment to vary condition 1 of planning consent 18/0293.

A cheque to the sum of £95.00 to support the application will be submitted in the post to cover the fee to submit a non-material amendment application. 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,



**Liam Griffiths**  
**Graduate Planner**