

**Date:** 31<sup>st</sup> July 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 the South Of Glan Usk Primary School, Herbert Road, Newport**  
**Planning Portal Reference: PP-08046465**

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 substitution of plans at Land to the 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 B – House Type C&D Ground Floor Plan
- Drawing 3073(04)232 C – 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 A – House Type K Floor Plans, Ground Floor Plan
- Drawing 3073(04)292 A – House Type K Floor Plans, First Floor Plan
- Drawing 3073(04)293 A – 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 F – House Type C&D Elevations (Type 1)
- Drawing 3073(04)332 F – House Type C&D Elevations (Type 2)
- Drawing 3073(04)333 F – 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 B – House Type K Elevations (Type 1)
- Drawing 3073(04)392 B – House Type K Elevations (Type 2)
- Drawing 3073(04)2200 A – 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 A – 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 B – House Type L1 (Plots 1-36), Elevations (Type 1)
- Drawing 3073(04)2322 B – 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:

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- **PRL-01 C – Production Layout**
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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 are necessary as in setting out the drainage and car parking bays for the redesign is showed a conflict between what has been constructed and what is proposed to be constructed under the redesign. The redesign shows the PRoW footpath moving circa 3m in a westerly direction but this is unachievable on site due WPD apparatus (Earthing rod/Anchoring rods) and the otter bund. The amendments therefore includes;

#### **Site Layout**

- Re-orientation of car parking area associated with plot 88 – 99 and landscaping area to accommodate the PRoW which was constructed during phase 1 of the extant consent and which also forms part of the section 38 agreement

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 to that caused by the original approved development scheme as merely relates to re-orientation of the car parking area and landscaping area to the south of plots 88-99. This is to accommodate the PRoW which was constructed during phase 1 and forms part of the section 38 agreement. The re-orientation of the car park does not result in the loss of car parking. Car park space 95 is moved from the western car parking row to the northern car parking row. The re-orientation of the landscaping does not result in the loss of landscaping. The landscaping that is lost on the northern side of the PRoW is merely moved to the southern side of the PRoW. As such the proposal does not result in any increase in development.

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

The proposal will not result in a detrimental impact either visually or in terms of local amenity. Given that the proposal merely involves the re-orientation of the car parking area and landscaping areas to the south of plots 88-99 visual change will be negligible. The landscaping area that the PRoW covers is simply moved to the southern side of the PRoW. In relation to local amenity this will not be altered as the PRoW is still being provided alongside landscaped areas. As such the proposal is considered to be negligible in relation to both visual impact and local amenity.

***(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 re-orientation of the car park and landscaped area to the south of plots 88-99. 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**