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VIA PLANNING APPLICATIONS WALES

Geraint Roberts
Principal Planning Officer
Development Management
Regeneration and Economic Development
Newport City Council
Civic Centre
Newport
NP20 4UR

Rhys Govier
E: rgovier@savills.com
M: +44 (0)7807 999 477

2 Kingsway
Cardiff CF10 3FD
T: +44 (0)29 2036 8900
savills.com

Dear Geraint,

PHASE 4C, GLAN LLYN, QUEENSWAY, LLANWERN, NEWPORT, NP19 4QZ

APPLICATION FOR NON-MATERIAL AMENDMENT TO RESERVED MATTERS REF. 23/0622

PLANNING APPLICATION WALES REF. PP-13832640

On behalf of St. Modwen Homes Limited ("SMH"), Savills is instructed to submit an application under Section 96A of the Town and Country Planning Act 1990, being an application for a non-material amendment ("NMA"), to vary the approved drawings to Reserved Matters approval ref. 23/0622 relating to Phase 4C, Glan Llyn.

Accordingly, please find enclosed the following documents in support of the application:

- Cover letter (providing the brief background and justification) [this letter].
- Application form; and
- Various drawings (as shown in the right hand column in Table 1 below).

The application fee of £115.00 has been paid directly by SMH.

Background and proposed NMA

Reserved Matters approval was given in June 2024 for the residential development of Phase 4C (ref. 23/0622). As a result of business review, SMH now wishes to progress minor changes to approved drawings to reflect house type substitutions reflecting SMH's 2024 range. It is proposed that the approved drawings listed in Condition 1 and Condition 3 be amended as set out in Table 1 below.

A summary of the changes are:

- Plot 5 – H2B758AS to H2B776AS plus consequential minor boundary changes
- Plot 6 – H2B758OPP to H2B776OPP plus consequential minor boundary changes
- Plot 7 – H2B758AS to H2B776AS plus consequential minor boundary changes
- Plot 8 – H2B758OPP to H2B776OPP plus consequential minor boundary changes
- Plots 9 & 10 – consequential minor boundary changes
- Minor external alterations to the elevations and window positions/sizes of the Lawrence, Edwena, Paris and Webster house types
- Minor internal alterations to the remaining house types
- Rationalisation and straightening of landscaping hedging around the LAP in the south west corner

For the avoidance of doubt, there is no change to the overall approved layout, quantum of development, mix or size of properties or the provision of affordable housing.

Table 1: Current approved and proposed drawings

Conditions	RM approved drawing/document (ref. 23/0622)	Proposed drawing
1	R9128-RLA-23-XX-DR-A-2203 E Proposed Site Layout	R9128-RLA-23-XX-DR-A-2203 F Proposed Site Layout
1	R9128-RLA-23-XX-DR-A-2204 E Proposed Boundaries Plan	R9128-RLA-23-XX-DR-A-2204 F Proposed Boundaries Plan
1	R9128-RLA-23-XX-DR-A-2205 E Proposed Materials Plan	R9128-RLA-23-XX-DR-A-2205 F Proposed Materials Plan
1	R9128-RLA-23-XX-DR-A-2206 E Proposed Affordable Housing Plan	R9128-RLA-23-XX-DR-A-2206 F Proposed Affordable Housing Plan
1	R9128-RLA-23-XX-DR-A-2207 E Proposed Heights Plan	R9128-RLA-23-XX-DR-A-2207 F Proposed Heights Plan
1 & 3	R9128-RLA-23-XX-DR-A-2209 E Proposed Parking Strategy Plan	R9128-RLA-23-XX-DR-A-2209 F Proposed Parking Strategy Plan
1	R9128-RLA-23-XX-DR-A-2213 E Proposed Building Size Plan	R9128-RLA-23-XX-DR-A-2213 F Proposed Building Size Plan
1	R9128-RLA-23-XX-DR-A-2214 D Proposed PV Location Plan	R9128-RLA-23-XX-DR-A-2214 E Proposed PV Location Plan
1	R9128-RLA-23-XX-DR-A-2216 E Proposed Phasing Plan	R9128-RLA-23-XX-DR-A-2216 F Proposed Phasing Plan
1	R9128-RLA-23-ZZ-DR-A-2220 E Proposed Site Sections	R9128-RLA-23-ZZ-EL-A-2220 F Proposed Site Sections
1	R9128-RLA-23-ZZ-DR-B-2222 D Proposed Street Elevations	R9128-RLA-23-ZZ-DR-A-2222 E Proposed Street Elevations
1	R9128-RLA-23-ZZ-DR-A-2225 Garages Plans and Elevations	No change
1	R9128-RLA-23-ZZ-DR-A-2230 D Housetype 758, Plans and Elevations	Omitted
1	R9128 RLA 23 ZZ DR A 2231 D Housetype 777, Plans and Elevations	R9128-RLA-23-ZZ-DR-A-2231 F Housetype 777 Plans and Elevations
1	R9128 RLA 23 ZZ DR A 2233 D Housetype 922V1, Plans & Elevations	R9128 RLA 23 ZZ DR A 2233 F Housetype 922V1, Plans & Elevations
1	R9128 RLA 23 ZZ DR A 2234 D Housetype 922 V2, Plans & Elevations	R9128 RLA 23 ZZ DR A 2234 F Housetype 922 V2, Plans & Elevations
1	R9128-RLA-23-ZZ-DR-A-2235 C Housetype 934 Plans and Elevations	R9128-RLA-23-ZZ-DR-A-2235 E Housetype 934 Plans and Elevations
1	R9128-RLA-23-ZZ-DR-A-2236 C Housetype 1021 Plans and Elevations	R9128-RLA-23-ZZ-DR-A-2236 E Housetype 1021 Plans and Elevations
1	R9128 RLA 23 ZZ DR A 2241 D Housetype 1371 V2, Plans & Elevations	R9128 RLA 23 ZZ DR A 2241 F Housetype 1371 V2, Plans & Elevations
1	R9128-RLA-23-ZZ-DR-A-2242 C Housetype 1454 Plans and Elevations	R9128-RLA-23-ZZ-DR-A-2242 E Housetype 1454 Plans and Elevations
1	R9128-RLA-23-ZZ-DR-A-2243 B Housetype AF852 Plans and Elevations	R9128-RLA-23-ZZ-DR-A-2243 D Housetype AF852 Plans and Elevations
1	R9128 RLA 23 ZZ DR A 2244 C Housetype AF1001, Plans & Elevations	R9128 RLA 23 ZZ DR A 2244 E Housetype AF1001, Plans & Elevations
1	R9128 RLA 23 ZZ DR A 2245 B Housetype 909, Plans & Elevations	R9128 RLA 23 ZZ DR A 2245 D Housetype 909, Plans & Elevations
1	N/A	9630-2247 R9128-RLA-23-ZZ-DR-A-2247 Housetype 776 Plans and Elevations
1	R9128-PJA-22-00-DR-C-100 P9 Planning Section 38 Layout.	No change

1	R9128-PJA-22-00-DR-C-101 P9 Kerbing Plan	No change
1	R9128-PJA-22-00-DR-C-102 P10 Visibility Splay Plan	No change
1	R9128-PJA-22-00-DR-C-103 P9 Proposed Plot Levels	No change
1	R9128-PJA-22-00-DR-C-104 P10 Site Wide Refuse Vehicle Tracking	No change
1	R9128-PJA-22-00-DR-C-105 P9 Site Wide Fire Tender Tracking	No change
1	R9128-PJA-22-XX-DR-C-106 P2 Road Construction Details	No change
1	R9128-PJA-23-00-DR-C-108 P5 Materials Plan	No change
1	R9128-PJA-22-00-DR-C-110 P9 Planning Drainage Layout	No change
1	R9128-PJA-22-00-DR-C-111 P9 Contributing Area Plan	No change
1	R9128-PJA-22-00-DR-C-112 P8 Flood Routing Plan	No change
1	R9128-PJA-23-00-SH-C-113 P2 Drainage Schedules	No change
1	R9128-PJA-23-XX-DR-C-114 P0 Drainage Construction Details	No change
1	R9128-PJA-22-XX-CA-C-115 A5 -SWS C1 Network Storm Drainage Assessment	No change
1	R9128-PJA-22-XX-CA-C-116 A3 -SWS C2 Network - Storm Drainage Assessment	No change
1	R9128-PJA-22-00-DR-C-120 P7 Foundation Strategy Plan	No change
1	R9128-PJA-22-SK-DR-C-130 P5 Longsections	No change
1	R9128-PJA-22-SK-DR-C-131 P6 Site Sections	No change
1	R9128-PJA-22-00-DR-C-135 P7 Earthworks Cut / Fill	No change
1	R9128-PJA-23-SK-DR-C-140 P4 Proposed Cycle Routes	No change
1	R9128-PJA-24-00-DR-C-0109 P2 Driveway Tracking	No change
1	1562A9 LLA ZZ 00 DR L 0001 P09 Landscape Masterplan	1562A9 LLA ZZ 00 DR L 0001 P10 Landscape Masterplan
1	1562A9 LLA ZZ 00 DR L 0201 P10 Detailed Planting Proposals, Sheet 1 of 3	1562A9 LLA ZZ 00 DR L 0201 P11 Detailed Planting Proposals, Sheet 1 of 3
1	1562A9 LLA ZZ 00 DR L 0202 P09 Detailed Planting Proposals, Sheet 2 of 3	1562A9 LLA ZZ 00 DR L 0202 P10 Detailed Planting Proposals, Sheet 2 of 3
1	1562A9 LLA ZZ 00 DR L 0203 P11 Detailed Planting Proposals, Sheet 3 of 3	1562A9 LLA ZZ 00 DR L 0203 P12 Detailed Planting Proposals, Sheet 3 of 3
1	1562A9 LLA ZZ 00 DR L 0301 P04 Landscape Specification and Details	No change
1	1562A9 LLA ZZ 00 DR L 0401 P09 Detailed Play Proposals	No change
1	Landscape Strategy, Revision P08 (August 2022)	No change

1	Landscape Management Plan (May 2024)	No change
1	Outdoor Lighting Report - Main Street (16.09.2021)	No change
1	Outdoor Lighting Report - Phase 4C (21.02.2024)	No change
1	Technical Note - Highway Maintenance & Management (15.08.2023)	No change

Assessment of non-material amendment

There is no statutory definition of ‘non-material’ and deciding whether a change is material or not rests with the LPA. However, in deciding whether a change is material or not, the LPA must have regard to the effect of the change on the planning permission as originally granted.

Consideration is to be given to the four ‘tests’ set out in paragraph 2.6 of the Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission (Welsh Government, July 2024). It is important to note Welsh Government updated this guidance in July 2024 with one of the specific changes made being to insert paragraph 2.29, as below:

“Can you make a non-material amendment to substitute a house type in a development?”

2.29 Section 96A provides that a local planning authority may make a change to any planning permission relating to land in their area if they are satisfied that the change is non material and therefore it is possible that the substitution of a house type in a development could be non-material”

[emphasis added]

The express implication of this change was the acceptance that it is possible for house type substitutions to be seen as non-material. As the assessment in Table 2 below identifies, an assessment of the proposed amendments against each of the four tests is considered acceptable, with the minor changes sought meeting the tests and criteria to be considered non-material in nature.

Table 2: Assessment against NMA tests

Welsh Government test	Assessment
<i>(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?</i>	No. The only changes proposed by this application is a minor alteration to house types, consequential minor boundary changes and the rationalisation and straightening of landscaping hedging in a small part of the site. The proposal does not seek to add or remove any uses or quantum of development assessed under the approval of Reserved Matters. It is concluded the changes will not cause different impacts to that already approved under the Reserved Matters.
<i>(ii) Would the proposed change result in a detrimental impact either visually or in terms of local amenity?</i>	No. As set out above, the changes are very limited in nature. The changes proposed to house types are minor relating to window positions/sizes of the various house types, which have no material bearing on visual or local amenity of the phase or wider area.

<i>(b) Would the interests of any third party or body be disadvantaged in planning terms?</i>	No. As set out above, the changes are very limited in nature. And would not disadvantage any third party or body. The properties are not yet sold/constructed and so there are no potential occupiers with an interest in the plots.
<i>(c) Would the proposed change conflict with national or development plan policies?</i>	No. The proposed change will not be in conflict with national or local planning policy. The site remains a strategic residential allocation within the Local Development Plan (January 2015) whereby the delivery of housing should be supported.

Conclusion

Reserved Matters approval was given in June 2024 for the residential development of Phase 4C, Glan Llyn. As a result of a business review, minor changes to house types are necessary as described in this letter. When assessed against the tests set out in Welsh Government guidance, noting the specific clarification provided by Welsh Government in the July 2024 update on house type substitutions, the proposed changes are considered acceptable. In short, the proposed changes are not materially different from that considered and approved at Reserved Matters and so the Section 96A procedure is therefore entirely appropriate in this instance.

I trust that the enclosed is in order and look forward to receiving confirmation that the application has been registered and validated. I understand the period for determination is 28 days, therefore, should you require any further information, please do not hesitate to contact me as soon as possible.

Yours sincerely,



Rhys Govier
Director

Enc. As above

Cc. Daniel Millward, SMH