

Date: 30th January 2025

Our Ref: 23.174

Newport City Council
Planning Services,
Planning and Economic Regeneration,
Newport City Council,
Newport,
NP20 4UR

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Town and Country Planning Permission Act 1990 (as amended)

Non-Material Amendment application for the variation of condition 1 (approved plans) and condition 9 (scheme of landscaping) and 12 (drainage) of planning consent 20/0140 granted on 9th September 2021

Land at Constables Close, Pillgwenlly, Newport

Planning Portal ref. PP-13636905

Asbri Planning Ltd have been instructed by Linc Cymru to submit an application for a non-material amendment to vary condition 1, 9 and 12 of the above consent to allow for the replacement of plans. The revised plans include the location of a new community garden central to the site and align plans to recent highways discussions to achieve highways designed to an adoptable standard.

The following updates are proposed to each of the conditions referenced above:

Approved Planning Conditions Wording	Proposed Planning Conditions Rewording
1 The development shall be implemented in accordance with the following plans and documents 103H - Proposed Ground Floor Site Plan 104G - Proposed Landscape 102H - Proposed Site Plan 113D - Plot 3 Proposed Elevations 112E - Plot 3 Proposed Plans 111D - Plot 12 Proposed Elevations 110D - Plot 1 and 2 Proposed Plans Cover Letter (2nd Edition-change of description) CC2004-CAM-ZZ-00-GA-C-90-0102 P01 KERB AND PAVEMENT CONSTRUCTION CC2004-CAM-ZZ-00-GA-C-90-0101 P03 EXTERNAL LEVELS A114078 - SK11 A - Option 4 SPA A114078 - SK12A - Option 4 SPA A114078 - SK07E - Option 4 114C - Plot 21-28 Proposed Plans 003A - Demolition Plan 121D - Plot 31 Proposed Elevations 116C - Plot 14 Proposed Plans 117C - Plot 14 Proposed Elevations A114078 - SK08D - Option 4 SPA	1 The development shall be implemented in accordance with the following plans and documents 103H - Proposed Ground Floor Site Plan 104G - Proposed Landscape LT2308.90.01 - Proposed Site Layout - Rev.C12 113D - Plot 3 Proposed Elevations 112E - Plot 3 Proposed Plans 111D - Plot 12 Proposed Elevations 110D - Plot 1 and 2 Proposed Plans Cover Letter (2nd Edition-change of description) CC2004-CAM-ZZ-00-GA-C-90-0102 P09 KERB AND PAVEMENT CONSTRUCTION CC2004-CAM-ZZ-00-GA-C-90-0101 P07 EXTERNAL LEVELS CC2004 CAM ZZ 00 GA C 52 1101 P12 Drainage Layout A114078 - SK11 A - Option 4 SPA A114078 - SK12A - Option 4 SPA A114078 - SK07E - Option 4 114C - Plot 21-28 Proposed Plans 003A - Demolition Plan 121D - Plot 31 Proposed Elevations 116C - Plot 14 Proposed Plans

118C - Plot 17 Proposed Plans 001C - Location Plan 119C - Plot 17 Proposed Elevations A116473 LA101 planting plan CC2004-CAM-ZZ-XX-RP-C-00-0002 Flood Action and Emergency Plan CC2004-CAM-ZZ-XX-RP-C-00-0001A - FCA Addendum, CC2004-CAM-ZZ-XX-RP-C-00-0001 P04 FCA and Drainage Strategy, CC2004-CAM-ZZ-XX-RP-C-00-0002 Flood Action and Emergency Plan Site Investigation Report - October 2019 Planning Statement Parking Beat Survey Letter Design and Access Statement Justification statement for development to be considered as a whole Road Safety Audit Arboriculture Report Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.	117C - Plot 14 Proposed Elevations A114078 - SK08D - Option 4 SPA 118C - Plot 17 Proposed Plans 001C - Location Plan 119C - Plot 17 Proposed Elevations A116473 LA101[G] planting plan – P06 CC2004-CAM-ZZ-XX-RP-C-00-0002 Flood Action and Emergency Plan CC2004-CAM-ZZ-XX-RP-C-00-0001A - FCA Addendum, CC2004-CAM-ZZ-XX-RP-C-00-0001 P04 FCA and Drainage Strategy, CC2004-CAM-ZZ-XX-RP-C-00-0002 Flood Action and Emergency Plan Site Investigation Report - October 2019 Planning Statement Parking Beat Survey Letter Design and Access Statement Justification statement for development to be considered as a whole Road Safety Audit Arboriculture Report Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.
9. The scheme of landscaping hereby approved shown on drawing ref A116473 LA100[E] Landscape Strategy, A116473 LA101 planting plan and 104G - Proposed Landscape shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of the development. Thereafter the trees and shrubs shall be maintained for a period of 5 years from the date of planting and any which die or are damaged shall be replaced and maintained until satisfactorily established. For the purpose of this condition, a full planting season shall mean the period from October to April. Reason: To secure the satisfactory implementation of the proposal.	9. The scheme of landscaping hereby approved shown on drawing ref A116473 LA100[G] Landscape Strategy – P06, A116473 LA101[G] planting plan – P06 and 104G—Proposed Landscape shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of the development. Thereafter the trees and shrubs shall be maintained for a period of 5 years from the date of planting and any which die or are damaged shall be replaced and maintained until satisfactorily established. For the purpose of this condition, a full planting season shall mean the period from October to April. Reason: To secure the satisfactory implementation of the proposal.
12. Prior to the occupation of the development, the foul and surface drainage scheme shall be carried out in accordance with the approved drainage scheme set out in the submitted CC2004-CAM-ZZ-XX-RP-C-0001A - FCA Addendum, CC2004-CAM-ZZ-XX- RP-C-00-0001 P04 FCA and Drainage Strategy, CC2004-CAM-ZZ-XX-RP-C-00-0002 Flood Action and Emergency Plan	12. Prior to the occupation of the development, the foul and surface drainage scheme shall be carried out in accordance with the approved drainage scheme set out in the submitted CC2004-CAM-ZZ-XX-RP-C-0001A - FCA Addendum, CC2004-CAM-ZZ-XX- RP-C-00-0001 P04 FCA and Drainage Strategy, CC2004-CAM-ZZ-XX-RP-C-00-0002 Flood Action, CC2004 CAM ZZ 00 GA C 52 1101 P12 Drainage Layout and Emergency Plan

Reason: To ensure adequate drainage is provided.	Reason: To ensure adequate drainage is provided.
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Proposed Amendments

The proposals include the addition of a community garden central to the site which is achieved via the reduction in rear garden areas for plots 9, 10 and 34. The proposals also include the reconfiguration of the highways inline with discussions with the highway authority to achieve adopted standard highways.

Background

Asbri Planning have contacted the Local Planning Authority to discuss the proposed amendments. The first iteration of the proposals included a play area rather than a community garden central to the site. The officer raised concerns with this proposals due to the potential nuisances impacts to adjacent residential properties. Following this feedback the applicant Linc revised their approach recognising the potential issues and proposing a community garden. The community garden option was better received by the LPA with recognition that this is a use that is less intensive and generates little nuisance.

The proposals are heavily favoured by Linc and to demonstrate the need for the community garden to the letters of support have been gained as described below (see appendix A):

Designing Out Crime Officer

- Overall I am happy with the location and design of this green space area. As discussed the area should have a boundary fence line which I would recommend is metal hoop/ball top fence to an approximate height of 1m. I would recommend that the area is gated to allow access but this will not need to be locked. I would recommend signage is installed by LINC stating that the area is a residential garden for Constable Close. Whilst the location can be used by anyone it does promote rule setting in the area. Regarding the up turn tree trunks that are planned for aesthetic purposes. Be mindful how many are installed so they do not create a large volume seating area. The area will required to be lit in accordance with BS5489:1-2020 as it is a communal area.

Linc Development Officer

- Recognition that the tenants within the properties adjoining the community garden area struggle to maintain their garden space and the proposed use will generate a place for everyone to enjoy and encouraging wildlife.

NCC Housing Strategy and Enabling Officer

- I am happy to add support from the Housing Strategy team for your proposal. You have highlighted the benefits of developing a communal garden within this project, Green space would provide long term benefits to all residents as well as social and environmental gains. The site and surrounding area is heavily built up and the communal garden would provide much needed greenery plus it should act as a barrier to stop traffic using this development as a 'cut through'. This would align with Newport's Local Wellbeing plan focusing on people and communities, improving wellbeing and making Newport a healthy and safe place.

Existing tenant within no. 41 Clarence Street (proposals result in renumbering to no. 34

- Recognises opportunity to introduce community spirit back into the area and benefits the garden can have to mental health and wellbeing.

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 proposals changes are not great enough to cause an impact difference to that cause by the originally approved development scheme. The proposal comprise firstly the reconfiguration of the highway to achieve an adoptable standard design. The re-design has been discussed with the local highway authority, changes are very minor in nature and do not alter the scale of the development.

The proposals also comprise the addition of a community garden central to the site which is achieved via the reduction in rear garden areas for plots 9, 10 and 34. The proposals are not considered to alter the scale of the development and are commensurate to the original approval. The rear garden areas as approved and community garden as proposed are roughly similar in their use and appearance.

Overall the proposals meet criteria a)(i) as the proposals remain inline with the original approval.

(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. Firstly the minor highway reconfigurations have been discussed with the local highway authority and include minor alterations to carriageway radii. The changes are negligible visually to the site and ensure an adoptable highway is achieved.

The second change relates to the addition of a community garden central to the site which is achieved via the reduction in rear garden areas for plots 9, 10 and 34. This proposal will result in a visual change but this will not be detrimental to the site visually. The community garden will be enclosed by metal railings and is considered to offer a visual benefit to the site replacing what would be close boarded fence lines enclosing rear gardens.

In relation to local amenity the proposals will reduce the garden sizes of plots 9, 10 and 34. Newport New Dwellings SPG states that *"In most cases, a back garden should extend at least 10.00 metres from the rear elevation of a house"* and usable private amenity space should be equivalent to the units footprint. Plots 9 and 10 have a garden depth of circa 9.4m as such this is considered to be a suitable garden size for the plots. Plot 34 has a garden depth of circa 7m and the area is only minorly below the footprint of the property. As explained above the proposals have been discussed directly with the tenant who is supportive of the proposals and Linc recognise that some tenants do have issues maintaining larger gardens. Overall the proposals are considered to provide a suitable garden area for properties 9, 10 and 34 whilst providing an attractive useable community garden. It is also recognised that the policy references are within guidance which does not need to be strictly followed but gives parameters for consideration in new development.

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

In discussions with the planning officer it has been highlighted that a Local Area of Play would require a 5m buffer to the nearest residential dwelling boundary. As such this initial option was discounted for the community garden use which is less intensive and less disruptive to the area / surrounding houses. The proposals will maintain the privacy and amenity of adjacent dwellings. The proposals will not introduce any new overlooking at the detriment of third parties. The proposals are supported by the DOCO who recognises that with minor design inclusions the proposals can be safe to the community. These design considerations

are accounted for within the proposed scheme. Overall the proposals are considered to comply with section (b).

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

The proposals have been discussed in detail above considering national and local planning policy notably the Newport LPA Supplementary Planning Guidance's.

It is for these reasons that Newport Local Planning Authority is respectfully requested to grant approval of the non-material amendment to vary condition 1 (approved plans) and condition 9 (scheme of landscaping) and 12 (drainage) of planning consent 20/0140.

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

Appendix A

Letters of Support

Archived: 11 December 2024 09:07:58

From [REDACTED] 15:45:07

To [REDACTED]

Subject: Constable Close

Sensitivity: Normal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

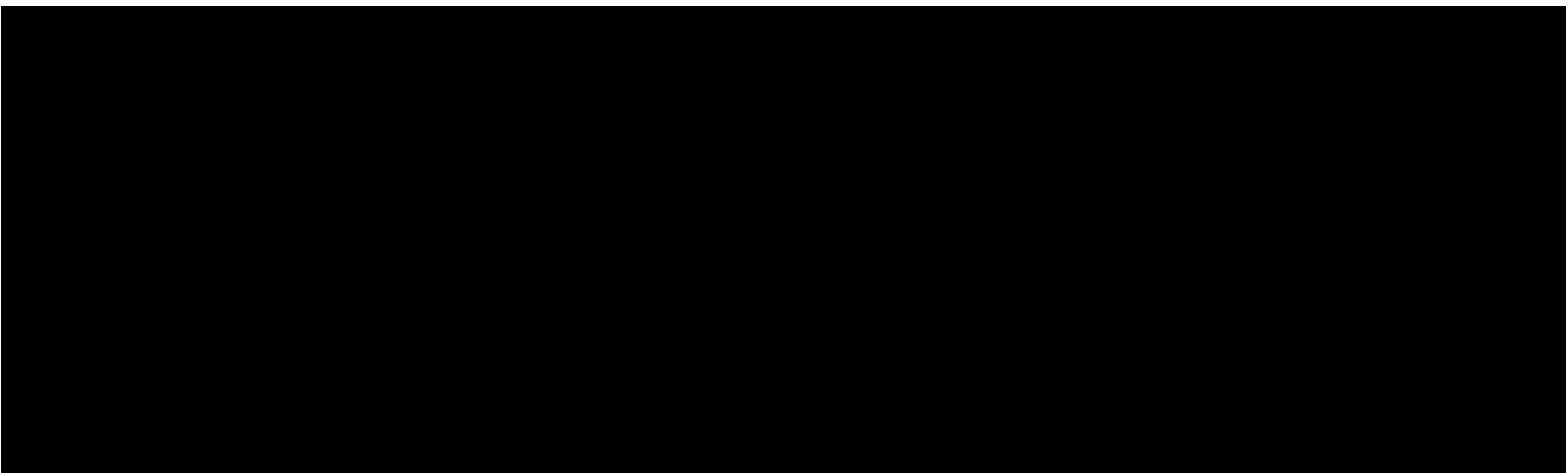
Good afternoon Arfon,

Thank you for your time on site this morning and running through the proposed development plans.

From discussions with Wayne and you please see the below comments/recommendations regarding the green space area and doors within the development.

Green Space (Central Area)

Overall I am happy with the location and design of this green space area. As discussed the area should have a boundary fence line which I would recommend is metal hoop/ball top fence to an approximate height of 1m. I would recommend that the area is gated to allow access but this will not need to be locked. I would recommend signage is installed by LINC stating that the area is a residential garden for Constable Close. Whilst the location can be used by anyone it does promote rule setting in the area. Regarding the up turn tree trunks that are planned for aesthetic purposes. Be mindful how many are installed so they do not create a large volume seating area. The area will required to be lit in accordance with BS5489:1-2020 as it is a communal area.



Anything further please let me know.

Thanks and have a good weekend.

John

Cofion gorau | Kind regards

John McDonnell



Swyddog Cynllunio er mwyn Atal Trosedd | Designing Out Crime Officer

Adran Ganolog ar gyfer Atal Trosedd a Datrys Problemau/ The Central Crime Prevention and Problem-Solving Department

Heddlu Gwent Police



Pencadlys yr Heddlu | Police Headquarters | Llantarnam | Cwmbrân | NP44 3FW

Diwrnodau gweithio arferol | Normal working days: Mon, Tues, Wed, Thur, & Frid



Rydym yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg.
Byddwn yn ymateb yn brydlon ac yn gydradd a byddwn yn ymateb yn eich iaith o ddevis.

We welcome correspondence in Welsh and English.
We will respond in a timely and equal way to both and will reply in your language of choice.

Mae fy nghyfeiriad e-bost yn newid

Mae fy nghyfeiriad e-bost yn newid ac ni fydd yn cynnwys .pnn mwyach.
Er mwyn sicrhau fy mod yn derbyn negeseuon yn y dyfodol, newidiwch fy nghyfeiriad e-bost gan ddilyn yr enghraifft ganlynol:
EnwCyntaf.Cyfenw@gwent.police.uk.

My email address is changing

In the near future, my email address is changing and will no longer include .pnn.
To make sure that I receive future emails, please update my contact email address using the following example:
Forename.Surname@gwent.police.uk.

Rydym yn croesawu gohebiaeth yn y Gymraeg a byddwn yn ateb yn y Gymraeg. Os hoffech dderbyn gohebiaeth o hyn ymlaen yn y Gymraeg neu os ydych wedi cael eich gwahodd i gyfweiliad neu gyfarfod a hoffiwch ddefnyddio'r Gymraeg, danfonwch e-bost at: cymraeg@gwent.police.uk. Darperir gwasanaethau cyfieithu.

We welcome correspondence in Welsh and will reply in Welsh. If you would like to receive future correspondence in Welsh or if you have been invited to an interview or meeting and would like to use the Welsh Language, please email: welsh@gwent.police.uk. Translation services are available.

Heddlu Gwent. Mae'r wybodaeth yn yr ohebiaeth hon ar gyfer yr unigolyn neu'r sefydliad y'i cyfeiriwyd ato. Os derbyniwch hwn mewn camgymeriad, dywedwch wrthym a'i ddifa. Gall datgelu neu ddefnyddio gwybodaeth o'r fath fod yn weithred anaddas, ac yn groes i ddeddfwriaeth neu gyfrinachedd.

Gwent Police. The information contained in this correspondence is intended only for the named person or organisation to whom it is addressed. If you have received it in error please notify us and destroy it. Unauthorised disclosure or use of such information may be inappropriate, in breach of legislation or confidentiality.

Archived: 11 December 2024 09:01:09

Subject: RE: Communal garden constables close

Sensitivity: Normal

Hi Arfon

There were a number of reasons for the communal garden to be implemented and not necessarily all requested by myself. One of the main reasons was that on the original plans, there were two gardens (101 Commercial Road and 41 Clarence Street) that were to be considerably extended and met back to back in the middle of the cul-de-sac to stop the road being used as a cut through from the two entrances (existing and new entrance). At the time, the family in 101 Commercial Road were at the height of ASB with the son causing damage to other neighbours property and climbing on the walls, and the tenant's garden was consistently filled with rubbish, dog's mess etc. As the tenant was unable to maintain the existing garden, it would have been impossible to maintain a garden twice as large. So it was requested that we look at other options. We didn't want a playground as figured this would encourage vandalism but wanted something that the tenants could enjoy as part of a community. This is where the communal garden came in as it would mean there was a place for everyone to enjoy and encouraging wildlife.

On top of this, there was the possibility of moving the existing fig tree from the rear garden of 2 Church Street prior to it being demolished and then re-planting it in the communal garden. The fig tree belonged to one of the tenants whose home had to be demolished and was planted in the garden when the properties were first built. So having it in the communal garden meant something to the tenants too. I know the existing fig tree could not be saved but having another fig (or other fruit) tree in its place represents compassion from Linc.

Without the garden, that space will end up being left open to drive through or just look like a concrete open space. We also need to remember why we were regenerating the area in the first place – reducing the crime in the area by taking away the dead-end cul-de-sac where the drug dealing/users and prostitution was happening, and turning the area into a more eye-pleasing area for the tenants to feel proud of where they were living.

Mel

From: Arfon John [REDACTED]

Sent: 29 November 2024 12:58

To: Melissa Grace-Barnes [REDACTED]

Subject: Communal garden constables close

Hi Melissa,

We've encountered a bit of pushback on the communal garden at constables close from planning, I think I've mentioned it previously.

Could you write me an e-mail stating the reasons behind your request for the garden to be implemented? (this e-mail will be passed onto planning for their consideration) I think your experience of having managed the scheme and requested this element could be vital, from memory it was resident unable to tend large gardens whereas under Linc responsibility this would be well maintained, we are trying to push away from the poor looking lane we had previously and this will have a visual improvement which will encourage more resident in the area and as such reduce crime by natural surveillance and a few items like that.

I know its short notice but the sooner the better, I've gathered the rest of the supporting letters that I needed but I forgot to ask you for yours.

Kind Regards

Arfon John

Development Assistant Project Manager



Linc Cymru Housing Association . 387 Newport Road . Cardiff . CF24 1GG
Cymdeithas Tai Linc Cymru . 387 Heol Casnewydd . Caerdydd . CF24 1GG



linc-cymru.co.uk



Archived: 11 December 2024 09:07:17

fficer)

Subject: RE: Communal garden

Sensitivity: Normal

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Good morning Arfon/Shelly,

Thank you for arranging the site visit on Tuesday.

As requested, I am happy to add support from the Housing Strategy team for your proposal. You have highlighted the benefits of developing a communal garden within this project, Green space would provide long term benefits to all residents as well as social and environmental gains. The site and surrounding area is heavily built up and the communal garden would provide much needed greenery plus it should act as a barrier to stop traffic using this development as a 'cut through'. This would align with Newport's Local Wellbeing plan focusing on people and communities, improving wellbeing and making Newport a healthy and safe place.

Many Thanks

Natalie

Natalie Wilks

Swyddog Strategaeth Dai a Galluogi | Housing Strategy and Enabling Officer

Tai a Chymunedau | Housing and Communities

Cyngor Dinas Casnewydd | Newport City Council

Ffon | Tel

Working together

for a safe home for all

The way you rent is changing... for tenants and landlords. The Renting Homes (Wales) Act 2016, will improve how we rent, manage, and live in rented homes in Wales. <https://gov.wales/housing-law-changing-renting-homes> #TheWayYouRentIsChanging

From: Arfon John <arfon.john@linc-cymru.co.uk>

Sent: 06 November 2024 12:54

To: Arnold-Matthews, Lucy (Biodiversity & Education Officer) <Lucy.Arnold-Matthews@newport.gov.uk>; Williams, Rebecca <Rebecca.Williams@newport.gov.uk>; Wilks, Natalie (Housing strategy and Enabling Officer) <Natalie.Wilks@newport.gov.uk>

Cc: Shelly Leonar [REDACTED]
Subject: Communal garden

Hi All,

Thanks for your time during the visit to site yesterday. I'm glad that you could all see the increased value in what we are trying to achieve in implementing the communal garden to the middle of the development. As I will be approaching Newport planning on this issue, your support would be greatly appreciated in this matter. Any support that you are happy to give for us to pass onto planning as part of our submission would be greatly appreciated.

Lucy/Rebecca,

Shelly and I visited the development that you suggested after our visit to Constables close, the suds features etc were amazing, whilst I won't have budget to achieve what has been achieved there, I would like to incorporate one of the features that I viewed there, as I believe it could be a cost effective addition to the visual amenity of the re-development. Would we be able to have a teams call where I could gather some advice on this from you please?

Kind Regards

Arfon John
Development Assistant Project Manager



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Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg, Saesneg neu yn y ddwy iaith. Byddwn yn cyfathrebu â chi yn ôl eich dewis. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

Archived: 11 December 2024 09:11:04

Subject: Re: Garden Changes

Sensitivity: Normal

Attachments:

[image004.png](#) ;

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Many thanks for this as the plans you showed me look so much better it's starting to take shape now it was hard to imagine how it would look but I think it's a much better than it was also having trees plants out the back and opening it all up is so much better looking out seeing some greenery will be so much nicer hopefully we might get a bit of community spirit back, there is a lot of lonely people who have nobody having a community garden can help people's mental health also so good idea all round

On Thu, 28 Nov 2024, 09:38 Arfon John, [REDACTED] wrote:

Hi Kerry,

It was lovely speaking to you yesterday, so that we could include you in the proposed changes to the Linc-Cymru housing area that you have lived on for over 20 years.

As discussed, below I have included the original site layout, the proposed scheme that we were looking to build as first planned and finally our new proposals which include the communal garden, that is there for everyone on site but mostly intended for use by those in the apartments, who, as things stand do not have a communal or private garden space for their use. Your comments on how this would affect you and your opinion would be greatly appreciated, if you could respond, your opinion would be greatly valued.

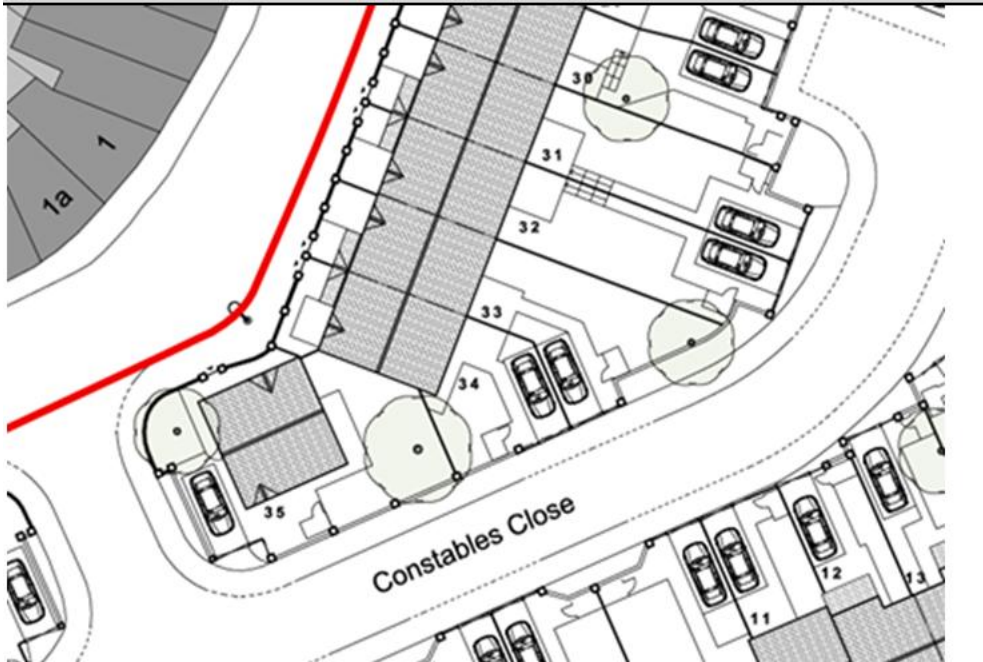
As you can see by the drawings and also what is laid out in your garden currently:

You no longer have the parking space in your garden as this space has been moved to a communally accessible area (to increase footfall in the area and improve incidental surveillance),

Your external area has been moved back slightly in our new proposal (though as discussed, we believe that this is offset by moving your car parking space out of your garden)

There is a communal garden in the centre of the development for common use for Linc residents including yourself.

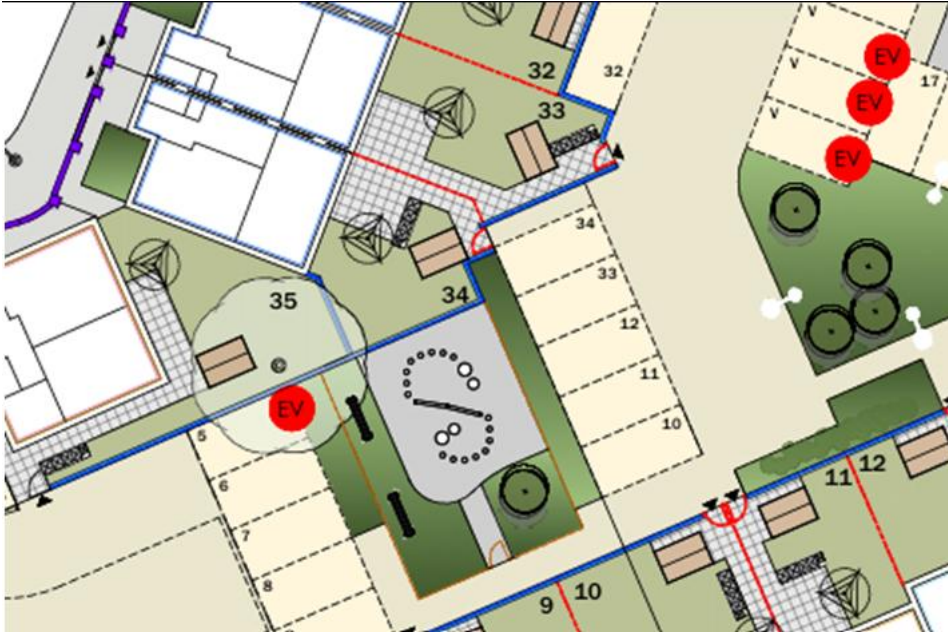
Existing



As first planned



Our new proposal



Kind Regards

Arfon John

Development Assistant Project Manager

Linc

part of **pobl** group

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