

Date: 15th March 2024

Our Ref: 18.271

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

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

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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) and 29 (Hard Surfaces) of planning consent 18/0293 granted on 3rd October 2018
Land To South Of Glan Usk Primary School, Herbert Road, Newport
Planning Portal Reference: PP-12866194

Asbri Planning Ltd have been instructed by Equans to submit an application for a non-material amendment to vary condition 1 and 29 of the above consent to allow for the replacement of plans at Land To South Of Glan Usk Primary School, Herbert Road, Newport.

The site has a brief history of NMAs which includes:

Application ref.	Description of Development	Decision
19/0331	Non material amendment to planning permission 18/0293 for development of 195no. residential units and associated works for changes to windows, to house types k, l, c & d and floor layout changes to house type c & d	Approved
19/0808	Non material amendment to planning application 18/0293 for 'development of 195no. residential units, internal road networks, parking, landscaping and associated works affecting public right of way 407/1. amendments for re-orientation of car parking area associated with plots 88-99 and landscaping area to accommodate the prow constructed during phase 1	Approved
23/0797	Non material amendment application to vary condition 1 (approved plans) in respect of 18/0293 development of 195 no. Residential units, internal road networks, parking, landscaping and associated works affecting public right of way 407/1. Amendments include changes to location of bin and cycle stores and landscaping/highways layout	Part-Approved with conditions/ Part Refused

The below reference to condition 1 18/0293 refers to the full suite of approved plans taking account of NMAs that have taken place.

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 1839 PRL-01 S Production 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, Floor Plans, 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
- Drawing 3073(04) 332 F – House Type C&D Elevations
- Drawing 3073(04) 333 F – House Type C&D Elevations
- 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)2201 B – House Type L1 (Plots 1-36), Floor Plans, Second Floor Plan
- 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:

- 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 1155090 551 – Reen Setting Out
- ~~Unnumbered Drawing – Retaining Walls Revision A (07.03.2017)~~
- Drawing 1839 EN-01 Rev R External Enclosures
- 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

The NMA also seeks to amend the wording of condition 29 which currently states:

Hard surfaces shall be provided as per drawing 1839 PRL-01 U Production Layout and other than as amended by information provided to discharge other conditions of this permission.

Reason: to ensure the development is completed using appropriate materials.

The proposed rewording:

Hard surfaces shall be provided as per drawing 3073 (04) 100 N – Site Layout other than as amended by information provided to discharge other conditions of this permission.

Reason: to ensure the development is completed using appropriate materials.

It is key to highlight that the most recent NMA application ref. 23/0797 was a part approval part refusal as follows:

Approved insofar as the decision relates to:

- Relocation of Bike store to apartment block plots 161-166,
- Relocation of traffic calming ramp between plots 124 & 179,

Additional conditions:

01) The non-materially amended development shall be carried out in accordance with the following plans so far as they apply to the above works:

- Drawing 1839 PRL-01 S – Production Layout

Refused insofar as the decision relates to:

- Relocation of bike & bin store to apartment block plots 138-143,

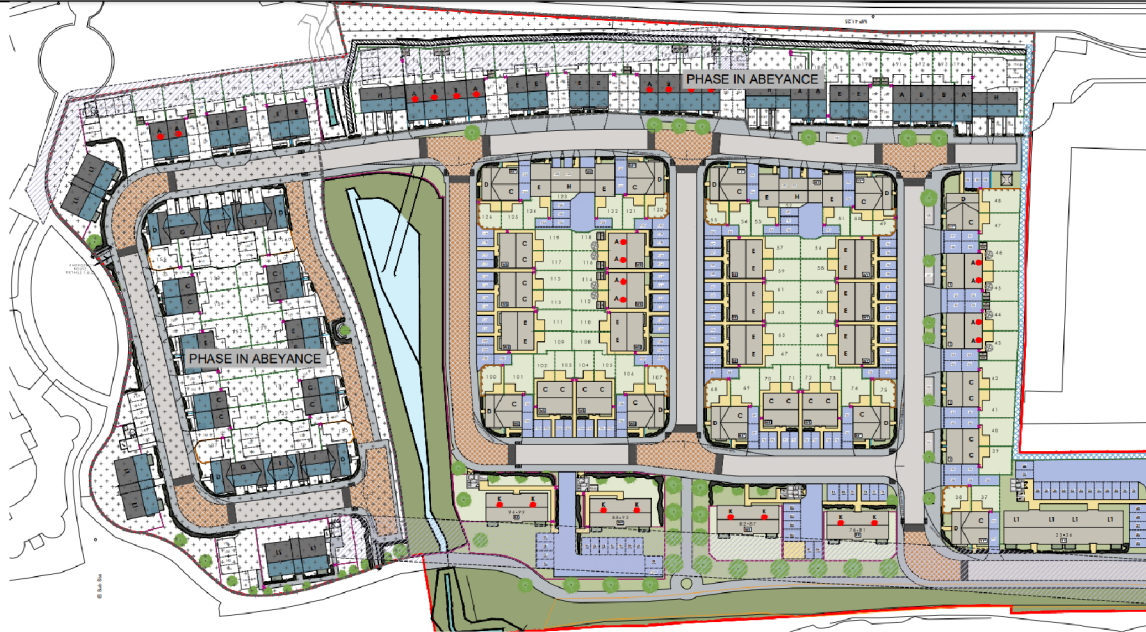
- Omission of grass strips between driveways and paths between plots 123-126, 136-135, 157-160, 186 &193

A review of the approved layouts is completed below to inform and explain the NMA changes:

Original Approval ref. 18/0293 3073 (04)100 O - Site Layout



NMA Approval ref. 19/0808 PRL-01C - Production Layout



NMA Approval ref. 23/0797 PRL-01S - Production Layout



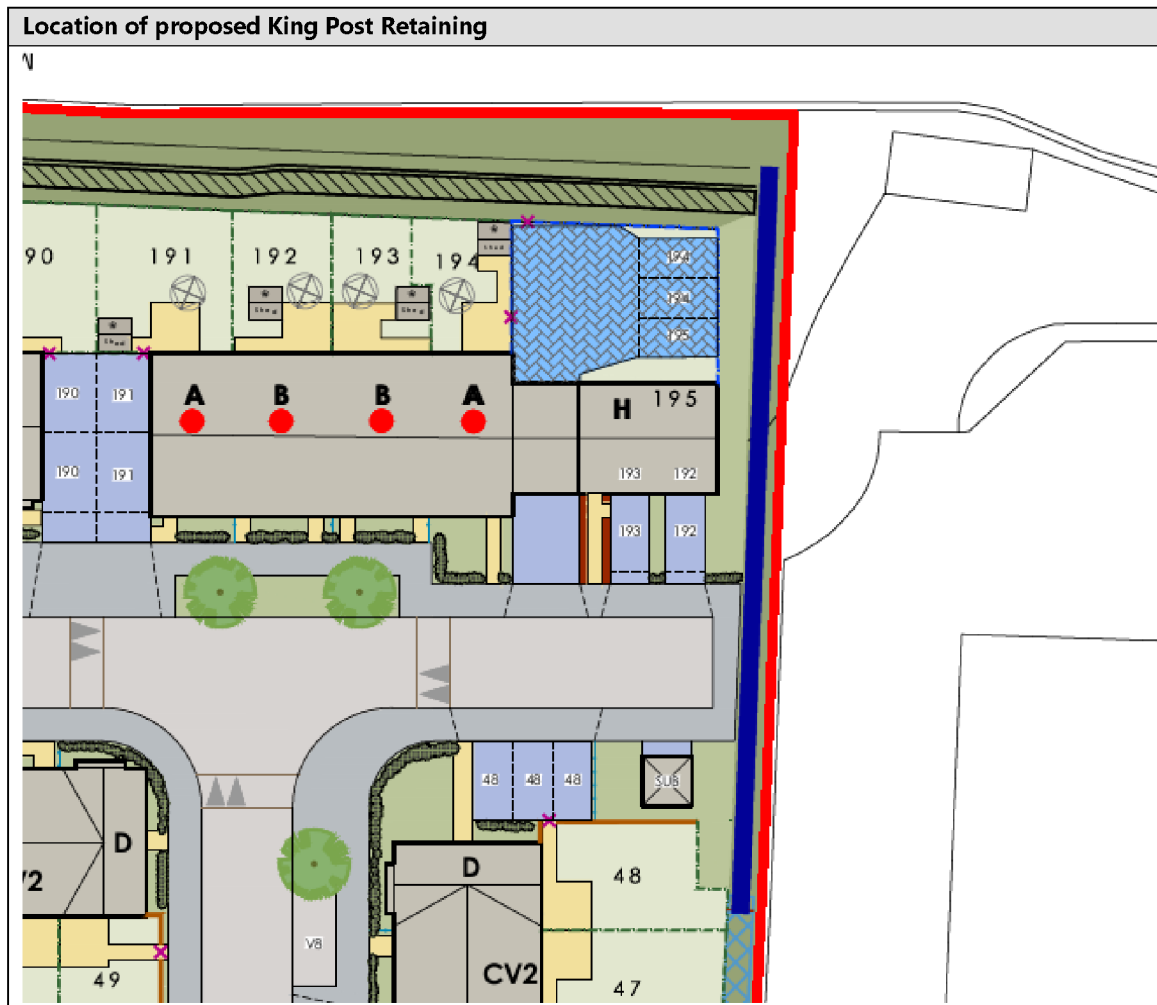
Proposed layout



The proposed amendments includes:

Addition of a King Post Retaining Wall to Replace Gabion Basket Wall

- There is an issue at the gable end of Plot 195 and as a result the contractor can not excavate in its location to install the gabions as this will adversely affect the piled foundations installed for the house. As such there need to explore an alternative to retain the raised ground level. This will be a temporary finish from the completion of our phases of the project until the neighbouring site is developed and the ground will be raised to match the remainder of the development.
- The proposal includes addition of a King Post Retaining Wall to Replace Gabion Basket Wall.
- The location of the King Post RW is shown below in the thick blue line.



Alterations To Surface Finishes Including Changes From Block Paving To Tarmac And Vice Versa

- Whilst the earlier approved plan NMA Approval ref. 23/0797 PRL-01S - Production Layout includes the proposed changes from block paving to tarmac it is understood that this change did not formally comprise part of the NMA as such is proposed within this application.
- Part of the reason for the change is that some of the areas originally proposed in block paving had the subbase incorrect installed by a contractor who subsequently have stopped trading.
- The proposals have been discussed Newport Council Adoptions Officer who is supportive of the proposed highway layout with the introduction of rumble strips in various locations.
- It is understood that the proposed changes reflect the layouts pursued for technical agreement with Newport Highways and that block paving on areas of turning can lead to on going maintenance issues.
- Please refer to the appendix for relevant email discussions.

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. The alteration from the gabion wall to a king post wall is a replacement as such is not considered to result in a change that alters the scale of the development. The gabion wall and king post wall are similar in scale as such the proposals are considered to be acceptable.

The proposed changes from tarmac to block paving again do not alter the scale of the development. The proposals are mainly visual in their change and have been agreed with the councils highway adoption officer.

(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. With regards the change from a gabion wall to a king post wall the proposals have been informally discussed with the LPA and it was agreed that visually there would be no detriment as a result of the change. The proposed king post wall is considered to be visually aesthetic and is shown below:

King post wall



Whilst there is some visual change with the alteration from block paving to tarmac and some areas vice versa this is not considered to be detrimental visually or in terms of local amenity. It is understood that the proposed changes reflect the layouts approved for technical agreements with Newport Highways and that block paving on areas of turning can lead to on going maintenance issues. As such the tarmac finishes in

areas with significant numbers of car movements and turning will provide longevity when compared to the block paving finish.

It is recognised that the block paving finish adds interest to the streetscene and there are still significant areas of block paving included through out the site and this does not impact the overall purpose of the block paving within the scheme. The proposed changes will not impact the amenity of future occupiers of the site who will still benefit from a visually aesthetic development and use of a technically agreed highway.

(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 surface finishes and a retaining wall. 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 and 29 of planning consent 18/0293.

A cheque to the sum of £115.00 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,

A black rectangular box redacting the signature of Liam Griffiths.

Liam Griffiths
Senior Planner

Appendix A

Relevant Email Discussions

Archived: 04 March 2024 15:54:25

From:

Sent: 19 February 2024 23:23:07

To: Richard.Mackin@equans.com

Cc: [Liam Griffiths](#); [Kingston, David](#)

Subject: RE: Herbert Road - Highways Meeting

Sensitivity: Normal

Good evening Richard,

This does reflect the discussion we had on site but I would also have like to have seen something on the next road that runs parallel with the attenuation reem and that there aren't any 50 to 60m straights. (not shown on plan below).

I am concerned that we are right on the 50- 60m max all but a metre and would ideally like to see a rumble strip on that straight if possible but appreciate the difficulty with opposing driveways.

Regards

Andy

From: Richard.Mackin@equans.com <Richard.Mackin@equans.com>

Sent: Monday, February 19, 2024 5:02 PM

To: Hardiman, Andrew (Traffic, Transport & Development Engineer) <Andrew.Hardiman@newport.gov.uk>

Cc: LiamG@asbriplanning.co.uk

Subject: RE: Herbert Road - Highways Meeting

Hi Andy

Are you able to respond on the email below agreeing this is a true reflection of our discussion on site please? I need to get the NMA application in this week.

Regards

Richard

From: MACKIN Richard (EQUANS UK)

Sent: Wednesday, February 14, 2024 3:30 PM

To: Hardiman, Andrew (Traffic, Transport & Development Engineer) <Andrew.Hardiman@newport.gov.uk>

Cc: Roberts, Geraint (Principal Planning Officer) <GeraintN.Roberts@newport.gov.uk>; DAVIES Mark (EQUANS UK) <Mark.Davies@equans.com>; YOUNG Jonathan (EQUANS UK) <jonathan.young@equans.com>; BEAVIS Warren (EQUANS UK) <warren.beavis@equans.com>; SMITH Andrew (EQUANS UK) <Andrew.Smith2@equans.com>

Subject: Herbert Road - Highways Meeting

Hi Andy

Thank you for your time today.

As discussed and agreed on site, I have marked up the architects production layout with the proposed changes, I will ask our consultants to update their drawings accordingly. We will submit a Non Material Amendment application to NCC Planning and as advised by yourself, you have discussed this with Geraint Roberts in planning and agreeing the changes can be resolved off this way. We will update the S38 & Engineering drawings to reflect this and these updates will be further recorded in the as built drawings for adoption.

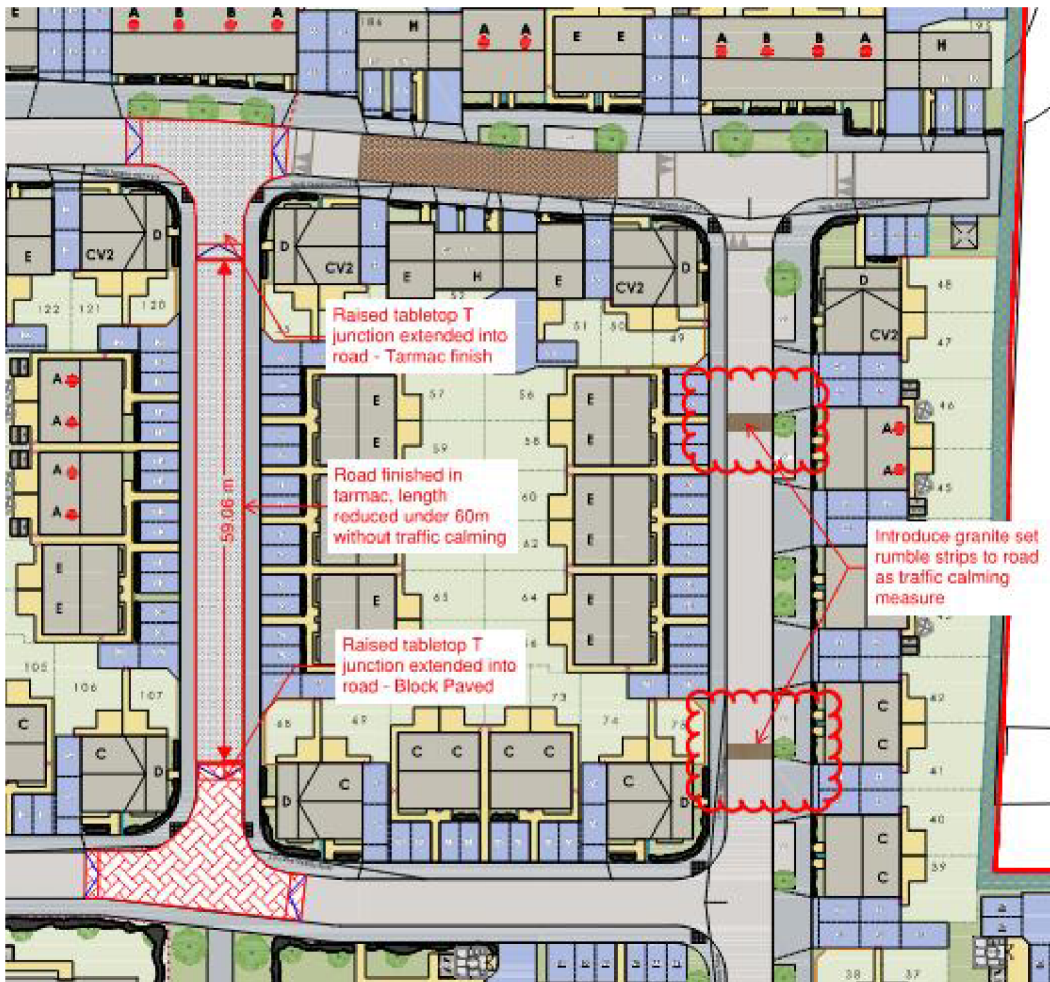
A summary of the amendments as shown below;

The central road finished in tarmac, level straight section reduced under 60m as a 20mph road. We will extend the raised tables of the T junctions into the road to achieve this.

The T junction to the western boundary will be finished in block paving.

The T junction to the eastern boundary will be tarmac finish.

The road to the southern boundary in tarmac finish – we will introduce two granite set rumble strips to reduce the level straight section under 60m as a 20mph road.



Regards

Richard



RICHARD MACKIN BSc(Hons) PGDip
SENIOR DESIGN MANAGER
PLACES & COMMUNITIES

UK & IRELAND

M 07969 537557

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The Council welcomes correspondence in English or Welsh or both, and will respond to you according to your preference. Corresponding in Welsh will not lead to delay.

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Mae'r e-bost hwn yn cynnwys gwybodaeth y bwriedir ar gyfer y derbynnydd yn unig a gall fod yn gyfrinachol, yn destun ragorffaint gyfreithiol neu broffesiynol, neu fel arall wedi'i diogelu rhag cael ei rhyddhau. Os nad chi yw derbynnydd bwriadedig y neges hon, a fydddech cystal â rhoi gwybod i'r anfonwr ar unwaith a pheidio â datgelu, dosbarthu neu gopïo'r e-bost i unrhyw barti arall. Mae'r e-bost hon ac unrhyw ffeiliau atodedig yn eiddo i Gyngor Dinas Casnewydd.

Pan fyddwch yn anfon e-bost at Gyngor Dinas Casnewydd, rydych yn cydsynio i'r Cyngor fonitro a darllen unrhyw e-byst o'r fath at ddibenion cydymffurfio â diogelwch ac â deddfwriaeth. I weld yr ymwadiad llawn ewch i <http://www.newport.gov.uk/ymwadiad>

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<http://www.canit.akauk.net/>

Archived: 04 March 2024 15:53:52

From: Richard.Mackin@equans.com

Sent: 21 February 2024 09:37:20

To: Andrew.Hardiman@newport.gov.uk

Cc: Liam.Griffiths@equans.com; jonathan.young@equans.com; Mark.Davies@equans.com; warren.beavis@equans.com; gavin.plumstead@equans.com

Subject: RE: [External] RE: Herbert Road - Highways Meeting

Sensitivity: Normal

Hi Andy

Yes your email came through ok, thank you.

I have added a granite rumble strip to the block paved road to the Reen boundary however we would like to install one rather than two rumble strips to the road on the right of the site. We still are less than 60m between the rumble strip and the table top for the T junction at the top of the site. See below.

We had a further look at the T Junction we wanted to do in block paving and we think given the amount of reengineering works we need to do in this area we can revert to a tarmac finish as previously agreed on the S38 drawing.



If you happy with this, the only change is the road finish to the central road from paved to tarmac and the introduction of the rumble strips.

Regards

Richard

From: Hardiman, Andrew (Traffic, Transport & Development Engineer) <Andrew.Hardiman@newport.gov.uk>

Sent: Wednesday, February 21, 2024 8:11 AM

To: MACKIN Richard (EQUANS UK) <Richard.Mackin@equans.com>

Cc: LiamG@asbriplanning.co.uk

Subject: [External] RE: Herbert Road - Highways Meeting

You don't often get email from andrew.hardiman@newport.gov.uk. [Learn why this is important](#)

[External] is automatically added to emails originating from outside of the organization. Be extra careful with hyperlinks and attachments. Do not scan QR codes from external emails.

Richard, did you get my response as I had a email failure report on first email and sent it again after that?

Regards

Andy

From: Richard.Mackin@equans.com <Richard.Mackin@equans.com>

Sent: Monday, February 19, 2024 5:02 PM

To: Hardiman, Andrew (Traffic, Transport & Development Engineer) <Andrew.Hardiman@newport.gov.uk>

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Sent: Wednesday, February 14, 2024 3:30 PM

To: Hardiman, Andrew (Traffic, Transport & Development Engineer) <Andrew.Hardiman@newport.gov.uk>

Cc: Roberts, Geraint (Principal Planning Officer) <GeraintN.Roberts@newport.gov.uk>; DAVIES Mark (EQUANS UK) <Mark.Davies@equans.com>; YOUNG Jonathan (EQUANS UK) <jonathan.young@equans.com>; BEAVIS Warren (EQUANS UK) <warren.beavis@equans.com>; SMITH Andrew (EQUANS UK) <Andrew.Smith2@equans.com>

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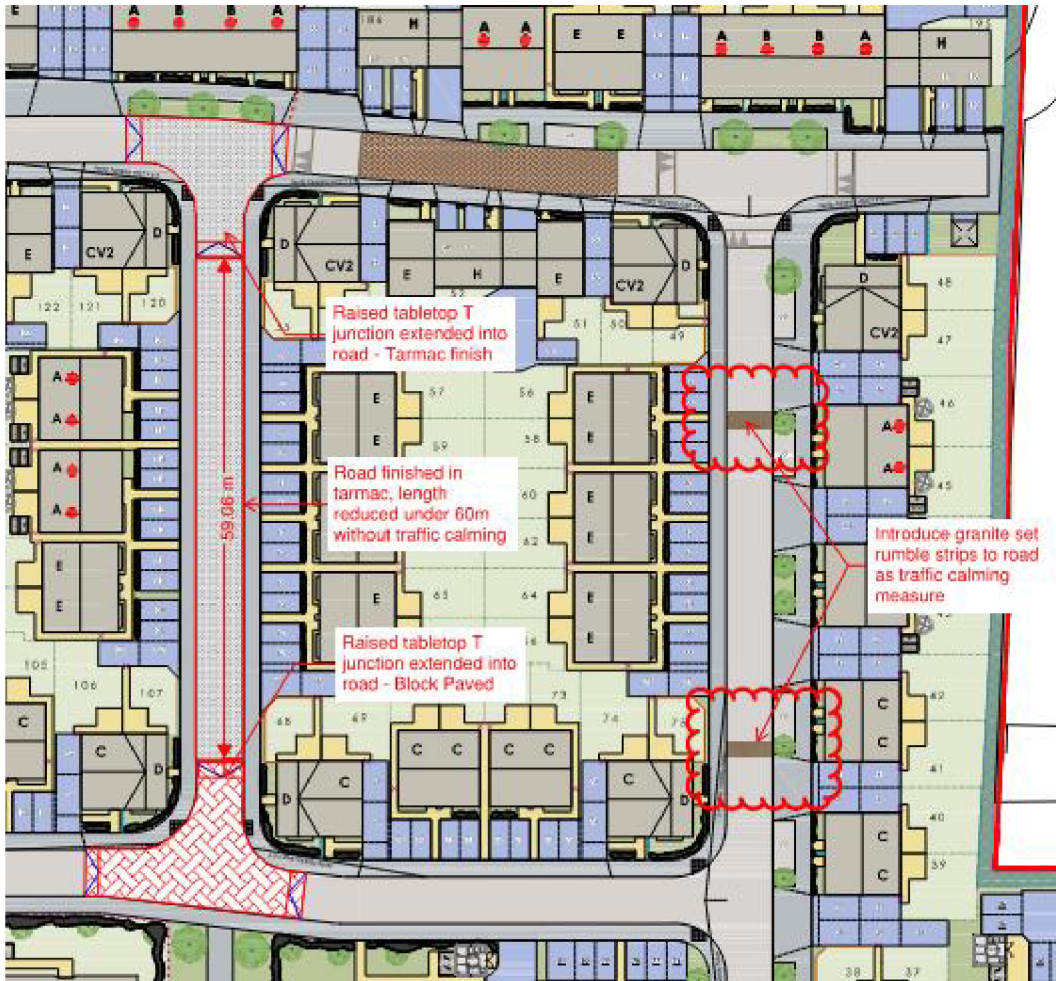
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The T junction to the eastern boundary will be tarmac finish.

The road to the southern boundary in tarmac finish – we will introduce two granite set rumble strips to reduce the level straight section under 60m as a 20mph road.



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Richard



RICHARD MACKIN BSc(Hons) PGDip

SENIOR DESIGN MANAGER

PLACES & COMMUNITIES

UK & IRELAND

M 07969 537557

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