

Our Ref: 23.104
Date: 08 June 2026

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Dear Sir/Madam,

Town & Country Planning Act 1990 (as amended)
Non-Material Amendment application to amend Condition 1 (Approved Plans) of Reserved Matters planning permission 22/0224
Land at Llanwern Works, Queensway, Llanwern, Newport, South Wales, NP19 4QZ
Planning Portal Reference:

Asbri Planning is acting as agent on behalf of Bellway Homes in respect of a non-material amendment application to amend Condition 1 (Approved Plans) of planning permission 22/0224 at land at Llanwern Works, Newport.

Background

The site benefits from an extant reserved matters consent (Ref: 22/0224) for the following development:

"Reserved Matters Application for a Residential Development (Phase 4H) consisting of 212no. dwellings and associated works and Partial Discharge of Conditions 06 (Recreation Areas), 07 (Soft Landscaping), 08 (Materials), 09 (Hard Landscaping), 10 (Boundary Treatments), 11 (Open Space Management Strategy), 12 (Parking), 16 (Roads, Cycleways and Footways), 19 (Noise Assessment), 24 (Flood Consequences Assessment), 33 (Surface Water Drainage), 34 (Foul and Surface Water Drainage), 39 (Carbon Reduction Strategy) and 43 (Fire-Fighting Access) pursuant to outline permission 06/0471 for redevelopment of site to create a mixed-use urban extension"

It must be noted that there has been a previous non-material amendment relating to the Reserved Matters Application (ref: 23/0702) which relates to the variation of the wording of the description of development for the reserved matters application (22/0224), adding in a reference to Condition 18 (Construction and drainage of estate roads) of the outline planning permission 06/0471.

The approved reserved matters consent relates to the residential development of 212 no. dwellings and associated works. Bellway Homes intend to progress with the construction of the dwellings, but wish to remove garages from 17 of these 212 dwellings, which will be regularised through a non-material amendment.

The Proposal

This non-material amendment proposes to replace 14 plans within the approved plans condition of the permission to show the removed garages on the 17 properties, which will be replaced by extended garden space. In addition, the housetype for Plot 188 is proposed to be revised from a Mason to a Chandler – the Chandler is a housetype that is already in the consented scheme so no plans or elevations of that housetype have been submitted with this NMA. A Site Location Plan identifying the plots subject to this change is submitted for completeness.

Condition 1 currently reads as follows:

"01 Plans: The development shall be implemented in accordance with the following plans and documents unless non-materially varied by any conditional discharge:

- *Drawing 21059 (05) 100 W - Site Development Layout.*
- *Drawing 21059 (05) 101 - Site Location Plan*
- *Drawing 21059 (05) 102 B - External Materials Layout*
- *Drawing 21059 (05) 103 B - Enclosures Layout*
- *Drawing 21059 (05) 104 B - Refuse Management Layout*
- *Drawing 21059 (05) 105 B - Proposed Street Elevations*
- *Drawing 21059 (05) 106 B - Affordable Tenure Layout*
- *Drawing 21059 (05) 107 B - Parking Plan*
- *Drawing 21059 (05) 200 - Joiner Plans*
- *Drawing 21059 (05) 201 B - Joiner, Elevations*
- *Drawing 21059 (05) 202 - Potter Plans*
- *Drawing 21059 (05) 203 - Potter Elevations*
- *Drawing 21059 (05) 205 - Saddler Plans*
- *Drawing 21059 (05) 206 B - Saddler, Elevations*
- *Drawing 21059 (05) 207 - Tailor Plans*
- *Drawing 21059 (05) 208 A - Tailor, Elevations*
- *Drawing 21059 (05) 209 - Turner Plans*
- *Drawing 21059 (05) 210 A - Turner, Elevations*
- *Drawing 21059 (05) 212 - Chandler Plans*
- *Drawing 21059 (05) 213 B - Chandler, Elevations (Brick)*
- *Drawing 21059 (05) 214 - Tanner Plans*
- *Drawing 21059 (05) 215 A - Tanner, Elevations*
- *Drawing 21059 (05) 216 - Tanner, Elevations (Weatherboard)*
- *Drawing 21059 (05) 217 - Mason Plans*
- *Drawing 21059 (05) 218 - Mason Elevations*
- *Drawing 21059 (05) 219 - Scrivener Plans*
- *Drawing 21059 (05) 220 B - Scrivener, Elevations*
- *Drawing 21059 (05) 221 - Scrivener, Elevations (Weatherboard)*
- *Drawing 21059 (05) 222 - Wheelwright Plans*
- *Drawing 21059 (05) 223 A - Wheelwright, Elevations*
- *Drawing 21059 (05) 224 - Wheelwright, Elevations (Weatherboard)*
- *Drawing 21059 (05) 225 - Bowyer Plans*
- *Drawing 21059 (05) 226 A - Bowyer, Elevations*
- *Drawing 21059 (05) 227 - Bowyer, Elevations (Weatherboard)*
- *Drawing 21059 (05) 228 - Cutler Plans*
- *Drawing 21059 (05) 229 A - The Cutler, Elevations*
- *Drawing 21059 (05) 230 - Goldsmith Plans*
- *Drawing 21059 (05) 231 A - The Goldsmith, Elevations*
- *Drawing 21059 (05) 232 - Goldsmith, Elevations – Weatherboard*
- *Drawing 21059 (05) 233 - Philosopher Plans*
- *Drawing 21059 (05) 234 - Philosopher Elevations*
- *Drawing 21059 (05) 235 A, Apartment A (Plots 08-13) - Plans, Ground Floor.*
- *Drawing 21059 (05) 236 A, Apartment A (Plots 08-13) - Plans, First Floor.*
- *Drawing 21059 (05) 237 B, Apartment A (Plots 08-13) - Plans, Second Floor.*
- *Drawing 21059 (05) 238 A, Apartment A (Plots 08-13) - Elevations (1 of 2)*
- *Drawing 21059 (05) 239 A - Apartment (Plots 08-13) - Elevations (2 of 2)*
- *Drawing 21059 (05) 240 - Apartment Block B Ground Floor Plan*
- *Drawing 21059 (05) 241 - Apartment Block B First Floor Plan*
- *Drawing 21059 (05) 242 - Apartment Block B Second Floor Plan*
- *Drawing 21059 (05) 243 - Apartment Block B Elevations Sheet 1*
- *Drawing 21059 (05) 244 - Apartment Block B Elevations Sheet 2*
- *Drawing 21059 (05) 245 - 4.2.1 Plans & Elevations*
- *Drawing 21059 (05) 246 - 5.3.1 Plans & Elevations*
- *Drawing 21059 (05) 247 - 6.4.1 Plans & Elevations*

- Drawing 21059 (05) 248 - Garage Plans & Elevations (Single)
- Drawing 21059 (05) 249 - Garage Plans & Elevations (Plots 188 & 189)
- Drawing 21059 (05) 250 - Garage Plans & Elevations (Twin)
- Drawing 21059 (05) 251 - Garage Plans & Elevations (Triple)
- Drawing 21059 (05) 252 - Enclosure Detail A
- Drawing 21059 (05) 253 - Enclosure Detail B
- Drawing 21059 (05) 254 A - Apartment A, Bin & Bike Stores - Plans & Elevations
- Drawing 21059 (05) 255 A - Apartment B, Bin & Bike Store - Plans & Elevations
- Drawing 21059 (05) 256 - Chandler, Elevations (Weatherboarding)
- Drawing 21059 (05) 257 - Bowyer Bay, Plans
- Drawing 21059 (05) 258 - Bowyer Bay, Elevations (Brick).
- Drawing 21059 (05) 259 - Bowyer Bay, Elevations (Weatherboard)
- Drawing 21059 (05) 260 Car Port / Store A, Plans & Elevations
- Drawing 21059 (05) 261 - Car Port / Store B, Plans & Elevations
- Drawing 21059 (05) 262 - Goldsmith, Plans (Bay)
- Drawing 21059 (05) 263 - Goldsmith (Bay), Elevations (Weatherboard).
- Drawing 21059 (05) 264 - Enclosures Detail C, Estate Railing
- Drawing 21360.101 D - Soft Landscape Proposals (1 of 3)
- Drawing 21360.102 D - Soft Landscape Proposals (2 of 3)
- Drawing 21360.103 D - Soft Landscape Proposals (3 of 3)
- Drawing 21360.111 C - Greenway Landscape Proposals 4H
- Drawing 21360.131 D - Greenway Leap Proposals
- Drawing 21360.132 C - Residential LAP Proposals, Western Proposals
- Drawing 21360.133 A - Residential LAP Proposals, Eastern Proposals
- Drawing 3904-110-1 L - Engineering Layout (1 of 2)
- Drawing 3904-110-2 M - Engineering Layout (2 of 2)
- Drawing 3904-111-1 E - Longitudinal Sections (1 of 2)
- Drawing 3904-111-2 K - Longitudinal Sections (2 of 2)
- Drawing 3904-112 C - Highway Construction Details
- Drawing 3904-115 E - Manhole Schedule
- Drawing 3904-S38-1 B - Section 38 Layout (1 of 2)
- Drawing 3904-S38-2 B - Section 38 Layout (2 of 2)
- Drawing 3904-120 - Typical Noise Bund Detail
- 5 Year Landscape Maintenance & Management Plan

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based."

The new condition will therefore read as (text struckthrough represents plans to be deleted and additions are in **bold**):

"01 Plans: The development shall be implemented in accordance with the following plans and documents unless non-materially varied by any conditional discharge:

- ~~Drawing 21059 (05) 100 W - Site Development Layout.~~
- **Drawing 20159 (05) 100 X1 - Site Development Layout**
- Drawing 21059 (05) 101 - Site Location Plan
- ~~Drawing 21059 (05) 102 B - External Materials Layout~~
- **Drawing 21059 (05) 102 C1 - External Materials Layout**
- ~~Drawing 21059 (05) 103 B - Enclosures Layout~~
- **Drawing 21059 (05) 103 C1 - Enclosures Layout**
- ~~Drawing 21059 (05) 104 B - Refuse Management Layout~~
- **Drawing 21059 (05) 104 D - Refuse Management Layout**
- ~~Drawing 21059 (05) 105 B - Proposed Street Elevations~~
- **Drawing 21059 (05) 105 C - Proposed Street Elevations**
- ~~Drawing 21059 (05) 106 B - Affordable Tenure Layout~~
- **Drawing 21059 (05) 106 D - Affordable Tenure Layout**
- ~~Drawing 21059 (05) 107 B - Parking Plan~~
- **Drawing 21059 (05) 107 C1 - Parking Plan**

- *Drawing 21059 (05) 200 - Joiner Plans*
- *Drawing 21059 (05) 201 B - Joiner, Elevations*
- *Drawing 21059 (05) 202 - Potter Plans*
- *Drawing 21059 (05) 203 - Potter Elevations*
- *Drawing 21059 (05) 205 - Saddler Plans*
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- *Drawing 21059 (05) 209 - Turner Plans*
- *Drawing 21059 (05) 210 A - Turner, Elevations*
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- *Drawing 21059 (05) 213 B - Chandler, Elevations (Brick)*
- *Drawing 21059 (05) 214 - Tanner Plans*
- *Drawing 21059 (05) 215 A - Tanner, Elevations*
- *Drawing 21059 (05) 216 - Tanner, Elevations (Weatherboard)*
- *Drawing 21059 (05) 217 - Mason Plans*
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- *Drawing 21059 (05) 224 - Wheelwright, Elevations (Weatherboard)*
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- *Drawing 21059 (05) 237 B, Apartment A (Plots 08-13) - Plans, Second Floor.*
- *Drawing 21059 (05) 238 A, Apartment A (Plots 08-13) - Elevations (1 of 2)*
- *Drawing 21059 (05) 239 A - Apartment (Plots 08-13) - Elevations (2 of 2)*
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- Drawing 21059 (05) 263 - Goldsmith (Bay), Elevations (Weatherboard).
- Drawing 21059 (05) 264 - Enclosures Detail C, Estate Railing
- ~~Drawing 21360.101 D - Soft Landscape Proposals (1 of 3)~~
- **Drawing 21360.1001 - Soft Landscape Proposals (1 of 3)**
- ~~Drawing 21360.102 D - Soft Landscape Proposals (2 of 3)~~
- **Drawing 21360.1002 - Soft Landscape Proposals (2 of 3)**
- ~~Drawing 21360.103 D - Soft Landscape Proposals (3 of 3)~~
- **Drawing 21360.1003 - Soft Landscape Proposals (3 of 3)**
- Drawing 21360.111 C - Greenway Landscape Proposals 4H
- Drawing 21360.131 D - Greenway Leap Proposals
- Drawing 21360.132 C - Residential LAP Proposals, Western Proposals
- Drawing 21360.133 A - Residential LAP Proposals, Eastern Proposals
- ~~Drawing 3904-110-1 L - Engineering Layout (1 of 2)~~
- **Drawing 3904-110-1 L* - Engineering Layout (1 of 2)**
- ~~Drawing 3904-110-2 M - Engineering Layout (2 of 2)~~
- **Drawing 3904-110-2 M* - Engineering Layout (2 of 2)**
- Drawing 3904-111-1 E - Longitudinal Sections (1 of 2)
- Drawing 3904-111-2 K - Longitudinal Sections (2 of 2)
- Drawing 3904-112 C - Highway Construction Details
- Drawing 3904-115 E - Manhole Schedule
- ~~Drawing 3904-S38-1 B - Section 38 Layout (1 of 2)~~
- **Drawing 3904-S38-1 B* - Section 38 Layout (1 of 2)**
- ~~Drawing 3904-S38-2 B - Section 38 Layout (2 of 2)~~
- **Drawing 3904-S38-2 B* - Section 38 Layout (2 of 2)**
- Drawing 3904-120 - Typical Noise Bund Detail
- 5 Year Landscape Maintenance & Management Plan

Reason: *In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based."*

Appraisal

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 amendment 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

As the proposed changes only relate to the removal of the garages to 17 of the 212 plots (8%) and one housetype swap, it is considered that this is non-material, and will not cause any material planning impacts on the adjacent dwellings. In terms of the removal of the garages, there will be less built form on site therefore the scale of the development is reduced. The plot size of 188 remains the same and the Chandler has an area of 951 sqft compared with the approved Mason which is 1,059 sqft – both are three bed properties.

It is therefore considered that the scale of the proposed changes is not great enough to cause an impact different to that caused by the original approved development scheme in accordance with test (a)(i).

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

As the proposed changes relate to the removal of the garages on 17 of the proposed 212 dwellings and one housetype swap, it is considered that this will not have a detrimental impact on the proposed properties visually or in terms of local amenity. The location of the proposed garages are set back from the main building line therefore they were not as prominent in the street scene in the first instance. No additional overlooking will occur as a result of the removal of these garages. The removal of the garages will result in less hardstanding/built form and will be replaced by more garden space, enhancing the sustainability of the proposal. The housetype swap retains the same plot size and the new housetype (Chandler) is slightly smaller than the approved Mason.

In light of the above, it is considered that the proposed changes would not result in a detrimental impact either visually or in terms of local amenity and are compliant with test (a)(ii).

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

As stated under criterion (a)(ii), the proposed changes relate to the removal of the garages on 17 of the proposed dwellings, which are located within the curtilage of the proposed dwellings, and one housetype swap, with the plot size remaining the same. Therefore, it is not considered that any third parties will be disadvantaged in planning terms.

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

The removal of the garages and the housetype swap do not conflict with any national or development plan policies. National policy is seeking to reduce parking and encourage more green space and this proposal results in a reduction in parking and additional garden space. It is considered that adequate parking remains for these 17 plots (or 8% of the total plots across the phase).

In addition, the appropriate fee will be paid to the Authority under separate cover. I trust that the submitted documents allow the application to be validated and look forward to receiving details of the name of the case officer, application reference number and target determination date. If you have any queries in the meantime, please do not hesitate to get in touch.

Yours Sincerely,



Max Cruse

Graduate Planner