

Delegated Decision Report

Application No:	26/0103	Statutory Period Expires:	6th April 2026
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Site:	<i>Land Formerly Known As Whitehead Works Mendalgief Road Newport South Wales</i>		
Proposal:	<i>PROPOSED MODIFICATION OF THE SECTION 106 AGREEMENT RELATING TO APPLICATION 19/0439</i>		
Applicant:	<i>Tirion Homes</i>		
Type:	S106a	Ward:	Pillgwenlly
Decision:	APPROVED (SUBJECT TO DEED OF VARIATION)		

1. BACKGROUND

- 1.1 Outline planning permission for the redevelopment of the site was granted with conditions subject to a Section 106 legal agreement under planning reference 15/0775. A S73 application was subsequently submitted under planning reference 19/0439, and a Deed of Variation to the Principal Legal Agreement signed.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is the former Whitehead Works industrial site, which is over 17ha in size and located south of the City Centre. This development site is allocated for Housing under Policy H1(51) of the Newport Local Development Plan 2011-2026 (adopted January 2015) and Outline planning permission (with a Section 106 Legal Agreement) was granted for the mixed use redevelopment of the site, with Reserved Matters applications subsequently granted. The development site is substantially built out.

- 2.2 Full planning permission has also been granted planning permission for the construction of a 66no. bedroom care home with associated works within the allocated site boundary.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application is seeking a modification to the Principal Section 106 Legal Agreement signed as part of planning permission 15/0775, and the subsequent Deed of Variation signed as part of 19/0439.
- 3.2 The modification seeks to replace the plan contained within "Plan 2 – Drawing No. 17073 (90) 102 Rev C – Proposed Areas of Open Space" of the Legal Agreement. This is due to this plan needing to reflect changes required to open space provision so that the proposed care home approved under 25/0375 can be delivered.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
15/0775	CONSTRUCTION OF 529NO. RESIDENTIAL UNITS, 24NO. ASSISTED LIVING UNITS, PUB/RESTAURANT, RETAIL UNITS, PRIMARY SCHOOL AND ASSOCIATED LANDSCAPE AND HIGHWAY INFRASTRUCTURE	GRANTED WITH CONDITIONS (S106)	11.09.2018
19/0439	REMOVAL OF CONDITION 30 (ACOUSTIC BARRIER/BUND) AND VARY CONDITIONS 01 (RESERVED MATTER REQUIREMENTS OUTSIDE LOCKED DOWN AREA), 02 (RESERVED MATTERS REQUIREMENT WITHIN LOCKED DOWN AREA), 03 (PLANS), 13 (IMPORTATION OF MATERIAL), 14 (PHASING), 15 (BOULEVARD TREE PLANTING), 19 (COIL COLOUR VEHICLE ACCESS), 21 (REMEDIATION VERIFICATION REPORT), 22 (MANAGEMENT AND	GRANTED WITH CONDITIONS (S106 DOV)	12.04.2021

	MAINTENANCE PLAN OF PHASE 4), 28 (BIODIVERSITY AND ECOLOGY ENHANCEMENTS), 33 (ECO-PARK PEDESTRIAN CROSSING POINTS), 34 (ECO-PARK BOUNDARY TREATMENTS), 35 (DRAINAGE), 41 (MONBANK FOOTPATH LINK), 43 (LAYOUT AND HEIGHT PARAMETERS OF APARTMENT BLOCK IN LOCKED-DOWN AREA), 48 (ASSISTED LIVING UNITS) OF PLANNING PERMISSION 15/0775 FOR CONSTRUCTION OF 529NO. RESIDENTIAL UNITS, 24NO. ASSISTED LIVING UNITS, PUB/RESTAURANT, RETAIL UNITS, PRIMARY SCHOOL AND ASSOCIATED LANDSCAPE AND HIGHWAY INFRASTRUCTURE		
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5. PLANNING POLICY

5.1 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

SP13 – Planning Contributions.

6. CONSULTATION RESPONSES

6.1 Planning Contributions: I offer no objections, as the changes reflect the delivery of an assisted living accommodation in the area previously designated for the Neighbourhood Centre and the POS will still exceed the 1.90ha requirement of the principal s106 legal agreement (Ref:15/0775)

NB: Plan 2 of the principal s106 legal agreement will need to be altered by a Deed of Variation

6.2 Leisure Services Manager: No response.

7. PUBLIC REPRESENTATIONS

7.1 A site notice was posted on 20th February 2026 to advertise the application. No responses have been received.

8. ASSESSMENT

8.1.1 The proposal seeks modification of the Section 106 Legal Agreement by replacing Plan 2 with a new plan that has been submitted and is titled "Drawing No. 17073 (90) Rev D – Proposed Areas of Public Open Space".

8.1.2 Plan 2 has been amended to reflect changes to the Public Open Space Provision in the north east of the site fronting Mendalgief Road as a result of planning permission being granted for a care home. The amended provision of POS will still meet the minimum quantum of 1.91ha as required and set out within the Legal Agreement. As such there is no objection to the revised plan.

8.1.3 The Council's Planning Obligations Manager has confirmed no objection to the proposal, subject to the alteration of the Legal Agreement via a Deed of Variation to replace the plan.

9. OTHER CONSIDERATIONS

9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 ***Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. CONCLUSION

10.1 The modification of the S106 Legal Agreement is considered to be acceptable.

10.2 The modification is approved.

11. DECISION

APPROVED (SUBJECT TO DEED OF VARIATION)

NOTE TO APPLICANT

01 This decision relates to plan Nos: Drawing No. 17073 (90) Rev D – Proposed Areas of Public Open Space; Supporting Information for Part 7 of Application Forms.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies were relevant to the determination of this application.