

Delegated Decision Report

Application No:	25/0941	Statutory Period Expires:	12th December 2025
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Site:	<i>Land To South And West Of Cul De Sac At Marryat Walk Newport NP20 3LJ</i>		
Proposal:	<i>NON MATERIAL AMENDMENT TO VARY BALUSTRADE MATERIAL (AS APPROVED BY DISCHARGE OF CONDITION APPLICATION 25/0752) IN RESPECT OF PLANNING PERMISSION 23/1109</i>		
Applicant:	<i>S Jones</i>		
Type:	Non-Material Amendment	Ward:	Gaer
Decision:	Approved		

1.1 Planning permission for the residential development of 20 apartments, landscape planting and associated works was approved in May 2024.

1.2 Condition 6 (Materials) of application ref 23/1109 reads as follows:

No work shall be commenced on the construction of the approved scheme until details/samples of materials and finishes to be used on the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out using the approved materials.

Reason: To ensure that the development is completed in a manner compatible with its surroundings.

The discharge of Condition 06 was formally approved on 16 October 2025. Both the original planning consent (ref. 23/1109) and the subsequent application to discharge Condition 06 relating to materials approved the use of glass balustrade for balcony screening.

2. SITE LOCATION AND CONTEXT

2.1 The application site is a parcel of land is located to the south of properties which front on to Shakespeare Crescent. To the east and west there are also residential properties, with the Cardiff to Ebbw Vale railway line running to the south of the site. The site is accessed from Marryat Walk where there is an existing access which previously served three dwellings, although these have been demolished for some time. The elevation with the balconies faces the south.

3. DESCRIPTION OF DEVELOPMENT

3.1 The application proposes to replace the approved glass balustrades to the balconies with black metal railings. The railings would retain the same height of 1m as the previously approved glass balustrades. The variation in materials is sought due to the ongoing maintenance concerns associated with the use of glass balustrades.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
23/1109	Proposed Residential Development Of 20 Apartments, Landscape Planting And Associated Works	Granted With Conditions	01.05.2024
25/0752	Partial Discharge Of Condition 6 (External Materials) Of 23/1109 Proposed Residential Development Of 20 Apartments, Landscape Planting And Associated Works	Approved	16.10.2025

5. PLANNING POLICY

5.1 NONE.

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

8.1 Section 96A of the Town and Country Planning Act 1990 (as amended) allows a non-material amendment to be made to an existing planning permission, subject to the change conforming with the Welsh Government's planning guidance on 'Approving Non-material Amendments to an Existing Planning Permission' (July 2014). This guidance states that in making such a decision on whether a change is considered material, a local planning authority may wish to consider the following tests:

1. the scale of the proposed changes and whether they are great enough to cause an impact different to that caused by the original approved development, and whether that change would have a detrimental impact either visually or in terms of local amenity;
2. whether any third party or body would be disadvantaged in planning terms; and
3. if the proposed change conflicts with national or development plans policies.

However, there may be other considerations that will identify if a proposed amendment is non-material depending on the circumstances of each case

8.2 Although the proposed materials would alter the physical appearance and result in an overall different appearance, it is not considered that this change would give rise to any unacceptable harm to the visual amenity of the development. There would be no impact on the local amenity, and no third party would be disadvantaged in planning terms. There would be no conflict with local or national policy. As such, the alterations to the materials of the balustrade and considered to be a Non-Material Amendment.

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 alteration to the materials of the glass balustrade to metal railings would constitute a non-material amendment to permission 23/1109.

11. DECISION

APPROVED & CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Site Location Plan, 1554WD204J – Elevations, 1554WD204H – Elevations, Covering Letter

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

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

02 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.