

Delegated Decision Report

Application No:	25/0919	Statutory Period Expires:	21st November 2025
Site:	Newport Export Packing Queens Hill Newport NP20 5HJ		
Proposal:	NON MATERIAL AMENDMENT TO VARY CONDITION 6 (LANDSCAPING) OF 23/0163 FOR RESIDENTIAL DEVELOPMENT OF 43 UNITS		
Applicant:	S Jones		
Type:	Non-Material Amendment	Ward:	Allt-yr-Yn
Decision:	APPROVED WITH CONDITION		

1. BACKGROUND

- 1.1 The site benefits from an extant consent (23/0163) for the provision of 43no. apartments, the current application seeks to amend the wording of condition 06 to allow for landscaping details to be submitted prior to the erection of the superstructure.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is located within the urban boundary in a mixed use area of residential and industrial. The sites former industrial use ceased a number of years ago to the detriment of the overall appearance of the area.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The proposal seeks to alter the wording of condition 06 from:

Before the commencement of development (excluding demolition), written approval of the Local Planning Authority is required to a scheme of hard and soft landscaping and tree planting for the site (indicating the number, species, heights on planting and positions of all trees and shrubs). The approved scheme 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 that development. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner in accordance with Policy GP5 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

To:

Before the commencement of the construction of the superstructure, written approval of the Local Planning Authority is required to a scheme of hard and soft landscaping and tree planting for the site (indicating the number, species, heights on planting and positions of all trees and shrubs). The approved scheme 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 that development. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner in accordance with Policy GP5 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
25/0597	PARTIAL DISCHARGE OF CONDITION 9 (REFUSE MANAGEMENT STRATEGY) OF 23/0163 RESIDENTIAL DEVELOPMENT OF 43 UNITS	Approved	17.11.2025
25/0460	PARTIAL DISCHARGE OF CONDITON 4 (DRAINAGE) OF 23/0163 RESIDENTIAL DEVELOPMENT OF 43 UNITS	Approved	16.10.2025
25/0598	PARTIAL DISCHARGE OF CONDITION 10 (EXTERNAL MATERIALS) OF 23/0163 RESIDENTIAL DEVELOPMENT OF 43 UNITS	Approved	04.09.2025
25/0599	PARTIAL DISCHARGE OF CONDITION 12 (ELECTRIC VEHICLE CHARGING) OF 23/0163 RESIDENTIAL DEVELOPMENT OF 43 UNITS	Approved	02.09.2025
24/0974	PARTIAL DISCHARGE OF CONDITIONS 3 (CEMP) AND 11 (REMOVAL OF NON INVASIVE SPECIES) OF 23/0163 RESIDENTIAL DEVELOPMENT OF 43 UNITS	Approved	28.01.2025
23/0163	RESIDENTIAL DEVELOPMENT OF 43 UNITS	Granted with conditions	05.09.2024

5. PLANNING POLICY

5.1 Section 96A of the Town and Country Planning Act 1990

5.2 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.3 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

5.4 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- Policy GP5 - Natural Environment
- Policy GP6 – Quality of Design

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- Wildlife and Development

6. CONSULTATION RESPONSES

6.1 Landscape Architect: The amendment appears to be to submit landscape information from 'Before the commencement of development (excluding demolition)' to 'Before the

commencement of the superstructure'. I have no objection as a lot of soft landscape detail has already been submitted for 23/0163 and for SAB.

7. PUBLIC REPRESENTATIONS

7.1 The application was not advertised.

8. ASSESSMENT

8.1 In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change. The planning guidance document *Approving Non-material Amendments to an Existing Planning Permission (July 2024)* sets out that when assessing and determining whether or not a proposed change would qualify as a non-material amendment, the following tests are applied as a starting point:

- Is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme?
- Would the proposed change result in a detrimental impact either visually or in terms of local amenity?
- Would the interests of any third party or body be disadvantaged in planning terms?
- Would the proposed change conflict with national or development plan policies?

8.2 The proposal seeks to alter the trigger point of condition 06 to allow for the submission of landscaping details prior to the erection of the superstructure to allow for other ground works to take place.

8.3 The altering of the trigger point for the submission of details would not result in a different impact than that caused by the extant consent, or alter the visual or residential amenity, would not disadvantage any third party or result in conflict with any local or national planning policies.

8.4 Therefore, the proposal alteration to the wording of condition 06 is considered to be non-material and the amended wording shall read as follows:

Before the commencement of the construction of the superstructure, written approval of the Local Planning Authority is required to a scheme of hard and soft landscaping and tree planting for the site (indicating the number, species, heights on planting and positions of all trees and shrubs). The approved scheme 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 that development. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

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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 proposal is considered acceptable and is hereby approved.

11. DECISION

Approve subject to the following conditions:

01 Before the commencement of the construction of the superstructure, written approval of the Local Planning Authority is required to a scheme of hard and soft landscaping and tree planting for the site (indicating the number, species, heights on planting and positions of all trees and shrubs). The approved scheme 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 that development. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner in accordance with Policy GP5 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP5 and GP6 were relevant to the determination of this application.

02 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original

application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.