

# Delegated Decision Report

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|------------------------|----------------|----------------------------------|-----------------------------------|
| <b>Application No:</b> | <b>26/0164</b> | <b>Statutory Period Expires:</b> | <b>10<sup>th</sup> April 2026</b> |
|------------------------|----------------|----------------------------------|-----------------------------------|

|                   |                                                                                                                                                                                                                                                                                                                                                                 |              |                    |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|--------------------|
| <b>Site:</b>      | <b>NEUHAUS Usk Way Newport South Wales</b>                                                                                                                                                                                                                                                                                                                      |              |                    |
| <b>Proposal:</b>  | <b>NON MATERIAL AMENDMENT (TO INCLUDE APPROVED PLANS CONDITION) TO 08/0228 VARIATION OF CONDITION 01(NOISE ASSESSMENT) AND 22 (MATERIALS) OF PLANNING PERMISSION 05/1644 FOR RESIDENTIAL DEVELOPMENT COMPRISING 154 APARTMENTS (INCLUDING 15NO. AFFORDABLE DWELLINGS)WITH ASSOCIATED CAR PARKING, LANDSCAPE WORKS AND ERECTION OF 1NO. COMMERCIAL (A3) UNIT</b> |              |                    |
| <b>Applicant:</b> | <b>L Stokes</b>                                                                                                                                                                                                                                                                                                                                                 |              |                    |
| <b>Type:</b>      | <b>Non-Material Amendment</b>                                                                                                                                                                                                                                                                                                                                   | <b>Ward:</b> | <b>Pillgwenlly</b> |
| <b>Decision:</b>  | <b>APPROVED &amp; CONDITIONS</b>                                                                                                                                                                                                                                                                                                                                |              |                    |

## 1. BACKGROUND

- 1.1 Planning permission (05/1644) for residential redevelopment for comprising 154 apartments (including 15no. affordable dwellings) in 3 blocks, with associated car parking, landscape works and erection of 1no. commercial (A3) unit.
- 1.2 A S.73 application (08/0228) was subsequently submitted and approved to vary Condition 01 and 22.
- 1.3 Blocks 1 and 2 have been constructed and are occupied, and Block 3 has not been constructed.

## 2. SITE LOCATION AND CONTEXT

- 2.1 The application site is located between Usk Way/East Dock Road and the River Usk and comprises of a parcel of land measuring 1.33ha.
- 2.2 Block 1 is located south of the site in an L shape and is set over 3 stories and Block 2 is located centrally and contains an A3 unit at ground floor with 4 residential stories above. Block 3 remains undeveloped and would be located to the north, reaching 6 stories.

## 3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application is seeking a Non Material Amendment to add plans condition to planning permission 08/0228.
- 3.2 It is the intention of the applicant to pursue future design changes to the approved scheme. However, in order to do so the addition of an approved plans condition is required and is being sought through this application. This accords with the approach contained within Welsh Government document "Development Management Manual" section 13.3.4.
- 3.3 This application is seeking the inclusion of the set of plans included within the plans informative for the previous planning permission as an Approved Plans condition i.e. Condition 01.

## 4. RELEVANT SITE HISTORY

| <b>App Number</b> | <b>Proposal</b>                                                                                                                                                                    | <b>Decision</b>         | <b>Decision Date</b> |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|----------------------|
| 05/1644           | RESIDENTIAL DEVELOPMENT COMPRISING 154NO. APARTMENTS (INCLUDING 15NO. AFFORDABLE DWELLINGS) WITH ASSOCIATED CAR PARKING, LANDSCAPE WORKS AND ERECTION OF 1NO. COMMERCIAL (A3) UNIT | GRANTED WITH CONDITIONS | 09.11.2007           |

|         |                                                                                                                                                                                                                                                                                  |                         |            |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|------------|
| 08/0228 | VARIATION OF CONDITION 01(NOISE ASSESSMENT) AND 22 (MATERIALS) OF PLANNING PERMISSION 05/1644 FOR RESIDENTIAL DEVELOPMENT COMPRISING 154 APARTMENTS (INCLUDING 15NO. AFFORDABLE DWELLINGS)WITH ASSOCIATED CAR PARKING, LANDSCAPE WORKS AND ERECTION OF 1NO. COMMERCIAL (A3) UNIT | GRANTED WITH CONDITIONS | 08.02.2010 |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|------------|

## 5. PLANNING POLICY

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

## 6. CONSULTATION RESPONSES

None.

## 7. PUBLIC REPRESENTATIONS

N/A

## 8. ASSESSMENT

8.1 There is no statutory definition of what constitutes a non-material amendment as this will be dependent on a number of factors such as the scale of the proposed changes, context of the site and site specific circumstances. In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change. When assessing and determining whether or not a proposed change would qualify as a non-material amendment, the following tests contained within Welsh Government Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission 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 It is not considered that the addition of an approved plan condition would cause an impact different to that caused by the original permission, it would not conflict with national or development plan policies and it would not disadvantage a third party or body in planning terms.

8.3 As such, the proposal is a Non Material Amendment to planning permission 08/0228.

## 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 It is considered that the addition of an approved plans condition would be a non material amendment to planning permission 08/0228 and permissible under Section 96a of the Town and Country Planning Act.

10.2 The application is approved with conditions.

11. **DECISION**

**APPROVED & CONDITIONS**

Approved Plans and Documents

01 The development shall be implemented in accordance with the following plans and documents:

1281-P-016 Rev.C – Site Plan Proposed  
 1281-P 020 Rev.A – Location of Buried Structures  
 1281-P 100 Rev.L – Lower Ground Floor Plan  
 1281-P 101 Rev.L – Ground Floor Plan  
 1281-P 102 Rev.L – First Floor Plan  
 1281-P 103 Rev.E – Second Floor Plan  
 1281-P 104 Rev.E – Third Floor Plan  
 1281-P 105 Rev.E – Fourth Floor Plan  
 1281-P 106 Rev.E – Roof Plan  
 1281-P 200 Rev.A – North East Section A – A and South West Section B – B  
 1281-P 201 Rev.A – North East Section C – C and North West Section D – D  
 1281-P 202 Rev.A – South East Section E – E and North West Section F – F  
 1281-P 203 Rev.A - SE Section G-G  
 1281-P 300 Rev.C – South West Elevation and North East Elevation  
 1281-P 301 Rev.B – North West Elevation and South East Elevation  
 1281-P 310 Rev.A – Elevation Studies  
 1281-P 320 Rev.A - Block 1 & 3 SW & SE Elevations

1281-P 321 Rev.A - Block 1 & 3 – NEW Elevations  
1281-P 322 Rev.A - Block 3 NW & SDW Elevations  
1281-P 323 Rev.A - Block 1 NW & SE Elevations

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 This decision relates to plan Nos: Covering Letter (Received 08/04/2026).

02 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.

03 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.