

Delegated Decision Report

Application No:	26/0311	Statutory Period Expires:	19th May 2026
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Site:	9 Pentre Tai Road Rhiwderin Newport NP10 8RL		
Proposal:	NON MATERIAL AMENDMENT APPLICATION TO VARY CONDITION 01 (APPROVED PLANS) OF 24/0062 DEMOLITION OF EXISTING PRE FAB BUILDING AND CONSTRUCTION OF NEW 4 BED DWELLING AND ASSOCIATED WORKS		
Applicant:	McCole		
Type:	Non-Material Amendment	Ward:	Graig
Decision:	Refused		

1. BACKGROUND

- 1.1 Planning permission was granted for the demolition of a prefab building and the construction of a 4 bed dwelling under ref. 24/0062.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site was previously occupied by a pre-fab building, which once accommodated a church, however this appears to have been out of use for a period of time. The land has been largely cleared of vegetation and trees prior to the submission of the application. The surrounding area is characterised by large two storey dwellings set in good sized plots, where the dwelling is generally set back from the road. The prevailing pattern of materials is red brick and white render, with brown window and door frames; and brown concrete roof tiles.
- 2.2 The site is situated at the end of a row of properties. To the south of the proposed dwelling is Rhiwderin Town Hall. Residential Properties are situated to the North, East and West of the application site. Pentre Tai Road comprises of a varied street scene, which lacks uniformity. There are variety of properties including bungalows, detached and semi-detached properties.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks an amendment to the roof height and design of the approved dwelling. The ridge of the roof will be raised by 0.8m, to become flush with the front hipped element. The hipped roof design element above the north eastern first floor window has also been omitted.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
24/0062	DEMOLITION OF EXISTING PRE FAB BUILDING AND CONSTRUCTION OF NEW 4 BED DWELLING AND ASSOCIATED WORKS	Granted with Conditions	18.02.2025

5. PLANNING POLICY

- 5.1 Section 96a of the Town and Country Planning Act 1990.
- 5.2 Consideration has also been given to the following document(s):
Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission (Welsh Government July 2014)

6. CONSULTATION RESPONSES

- 6.1 None.

7. PUBLIC REPRESENTATIONS

7.1 None.

8. **ASSESSMENT**

8.1 In deciding whether or not a proposed change is non-material, consideration should be given to the effect of change. 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. Is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme?
2. Would the proposed change result in a detrimental impact either visually or in terms of local amenity?
3. Would the interests of any third party or body be disadvantaged in planning terms?
4. Would the proposed change or conflict with national or development plan 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 As a result of the proposed design changes, the amended scheme would now result in a different appearance that would be of a great enough scale to cause a different visual impact than the development previously approved. As such, the proposed amendment fails the first test set out in the guidance and results in more than a non material amendment to the approved scheme.

8.3 When taking into consideration the potential for impact on local amenity, it is noted that the neighbouring single storey property has planning permission for partial demolition and two storey extension to create a two storey dwelling, which is yet to be implemented. This is given limited weight since it may never be built. In terms of the non material amendment under consideration, the increase in scale and height and design changes have the potential to impact existing neighbouring amenity at 11 Pentre Tai Road. This in itself is a reason for the proposal to result in more than a non material amendment to the approved scheme, failing test two. Furthermore, allowing the proposed changes through the non material amendment process would disadvantage this neighbouring property as any such changes would be approved without notification or opportunity to comment and this would also fail test three.

8.4 Consequently, the proposed changes owing to their scale and nature have the potential to conflict with development plan policies, and test four is failed.

8.5 The proposed alterations to the approved scheme are considered to be more than a non material amendment to the original planning permission.

8.6 **Other Matters**

8.6.1 It is noted that the submitted plans are not accurate, as they inaccurately depict the position of the chimney and this results in a discrepancy between proposed elevations which would not accurately represent the final scheme put forward for consideration.

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 proposed alterations to the approved scheme are considered to be more than a non material amendment to the original planning permission as they fail to satisfy the relevant tests set out in '*Approving Non-material Amendments to an Existing Planning Permission*' (July 2014) as outlined within this report.

10.2 As such, the proposal cannot be considered a non-material amendment.

11. **DECISION**

REFUSED

01 The scale of the proposed changes are great enough to cause a visual impact that is different to the approved development scheme, have the potential to result in a detrimental impact on the neighbouring property which would also disadvantage neighbouring third party interests and the potential to conflict with local development plan policies and this is more than a non-material amendment.

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- SD1161-13 Site Layout
- SD1161-12 - Proposed Elevations
- SD1161-11 - Street Scene
- SD1161-10 – Sections
- SD597-00 - Site Location Plan.
- Planning Statement

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2 and GP6 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.