

Delegated Decision Report

Application No:	26/0046	Statutory Period Expires:	18th February 2026
Site:	Anderley Lodge 216 Stow Hill Newport NP20 4HA		
Proposal:	NON MATERIAL AMENDMENT TO INSTALL ROOF MOUNTED PV PANELS IN RESPECT OF 23/1065 PROPOSED INTERNAL RECONFIGURATION OF EXISTING SEVEN-BEDROOM HOUSE TO CREATE FIVE SELF-CONTAINED STUDIO APARTMENTS, STAFF FACILITIES AND ASSOCIATED WORKS		
Applicant:	M Savage		
Type:	Non-Material Amendment	Ward:	Allt-yr-Yn
Decision:	APPROVED WITH CONDITIONS		

1. BACKGROUND

- 1.1 Application 23/1065 was reported to Newport City Councils Planning Committee in October 2024 with a recommendation to approve subject to conditions, the Committee granted consent for: "PROPOSED INTERNAL RECONFIGURATION OF EXISTING SEVEN-BEDROOM HOUSE TO CREATE FIVE SELF-CONTAINED STUDIO APARTMENTS, STAFF FACILITIES AND ASSOCIATED WORKS". The development has commenced with works currently on going.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site comprises a 2.5 storey, semi-detached dwelling known as Anderley Lodge. The property is a large Victorian property in a street scene of prevailing Victorian character and appearance. The property occupies a prominent corner plot at the junction of Stow Hill (B4240) and Caerau Crescent. The site is enclosed by a brick boundary wall with pedestrian and vehicular accesses being located on the eastern boundary on Caerau Crescent. The primary outdoor amenity space is located to the front and side of the property.
- 2.2 The application site is located within the defined settlement boundary as identified by Policy SP5 of the Newport Local Development Plan (LDP) and its associated proposals maps. The site falls within the Stow Park Conservation Area which is subject to an Article 4 Direction.
- 2.3 The trees to the rear of the application site are subject to a Tree Preservation Order (TPO 1/98). To the east of the application site is the Handpost District Centre as defined by the proposals map of the LDP and Policy R6, accordingly the immediate area has a mixed commercial/residential character.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application seeks consent for a non-material amendment to the plans as approved by 23/1065 to increase the number of solar panels on the roof plane(s) of the property. Three PV panels were approved via the previous consent all located on the upper rear roof plane, this application seeks to increase the number of PV panels to 5 on the upper rear roof plane and an additional 2 on the existing rear roof plane covering a first-floor element of the property.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
89/0165	SINGLE STOREY SIDE EXTENSION TO PROVIDE CONSERVATORY	Granted with conditions	7th July 1989

16/0953	DEMOLITION OF EXISTING BOUNDARY WALL AND ERECTION OF FRONT BOUNDARY FENCE Refused 9th March 2017	Refused	9th March 2017
23/1065	PROPOSED INTERNAL RECONFIGURATION OF EXISTING SEVEN-BEDROOM HOUSE TO CREATE FIVE SELF-CONTAINED STUDIO APARTMENTS, STAFF FACILITIES AND ASSOCIATED WORKS	APPROVED	9 TH October 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
- 5.3 Planning Policy Wales (Edition 12) 2024
- 5.4 The Historic Environment (Wales) Act 2023
- 5.5 Technical Advice Note 24: The Historic Environment
- 5.6 Newport Local Development Plan (2011-2026)
 - SP1 – Sustainability
 - SP9 – Conservation of the Natural, Historic and Built Environment
 - GP1 General Development Principles – Climate Change
 - GP2 – General Development Principles – General Amenity
 - GP6 – General Development Principles – Quality of Design
 - GP7 – General Development Principles – Environmental Protection and Public Health
 - CE7 – Conservation Areas
 - CE10 – Renewable Energy
- 5.7 Supplementary Planning Guidance
 - Stow Park Conservation Area Appraisal

6. CONSULTATION RESPONSES

- 6.1 Principal Conservation Officer: This proposed reconfiguration does not make any fundamental change to the impact upon character and appearance of the CA over that approved under 23/1065.

7. PUBLIC REPRESENTATIONS

- 7.1 There is no statutory requirement for publicity for an application made under Section 96 of the Town and Country Planning Act 1990 therefore none has been undertaken and no public representations have been received in relation to this application.

8. ASSESSMENT

- 7.1 There is no definition of what constitutes a non-material amendment because what is material in each case will vary depend on the circumstances and constraints of the site. Section 96A of the 1990 Act enables Local Planning Authorities to make a change to any planning permission if they are satisfied it is not material. In deciding whether a change is material, an LPA must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.
- 7.2 The Welsh Government 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:

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 conflict with national or development plan policies?

7.3 In this case the proposed additional solar panels due to their limited number and position on roof slopes that do not front the public realm are not considered to result in an impact different to that caused by the original consent. The increased PV panels have been assessed against the preserve/enhance test for Conservation Areas as contained within the Historic Environment (Wales) Act 2023 and it is considered that the additional panels would preserve the character and appearance of the area given the position of the panels. The Council's Principal Conservation Officer has been consulted on this application and raises no objection/concern to the proposal.

7.4 The interests of third parties has been considered in the assessment of this application and it is concluded that no third-party interests would be disadvantaged or prejudiced by the proposed development. No conflict with the requirements of local or national planning policies has been identified in the assessment of this application.

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 additional solar panels on roof planes that do not front the public is considered to result in a non-material amendment that is permissible under section 96a of the Town and Country Planning Act. The proposed amendments are considered to be acceptable.

11. DECISION

APPROVED WITH CONDITIONS

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

- A100 SITE LOCATION PLAN
- A200 REV F SITE LAYOUT
- A305 REV A PROPOSED 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.

2 Within 12 months of the cessation of electricity generation by the solar panels, the panels and all associated works/equipment shall be dismantled and removed from the site and the site restored to its former condition.

Reason: In the interests of visual amenity and to protect the special character of the Conservation Area in accordance with Chapter 6 of Planning Policy Wales 12, The Historic Environment (Wales) Act 2023 and Policies SP9 and CE7 of the Newport Local Development Plan.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

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.