

Delegated Decision Report

Application No:	25/1061	Statutory Expires:	Period	13th March 2026
Site:	Land At North And South Site St John's Oak Road Rogerstone Newport South Wales			
Proposal:	NON MATERIAL AMENDMENT TO VARY CONDITION 24 (HIGHWAY IMPROVEMENT WORKS) OF 22/0919 DEMOLITION OF 1 - 23 OAK ROAD AND REDEVELOPMENT TO PROVIDE 43 RESIDENTIAL HOMES COMPRISING 5 HOUSES AND 9 FLATS ON THE NORTH SITE AND 29 FLATS ON THE SOUTH SITE ALONGSIDE LANDSCAPING, ACCESS, PARKING AND ASSOCIATED WORKS			
Applicant:	Hale Construction On Behalf Of Hedyn			
Type:	Non-Material Amendment	Ward:	Rogerstone West	
Decision:	APPROVED WITH CONDITIONS			

1. BACKGROUND

- 1.1 Full planning permission has been granted under application 22/0919 for the demolition of 1 – 23 Oak Road and the redevelopment of the site to provide 43 residential homes, comprising of 5 houses and 9 flats on the north site and 29 flats on the south site, alongside landscaping, access, parking and associated works.
- 1.2 The application was presented to the Planning Committee and was granted subject to conditions on 8th January 2025.

2. SITE LOCATION AND CONTEXT

- 2.1 The site comprises two separate parcels of land. It relates to land to the north and south of St John's, Oak Road, Rogerstone, in Newport. The site has a total area of 0.9 hectares with flats on the northern half and open space on the southern half.
- 2.2 The site is located within the settlement boundary for Newport. It comprises previously developed land. There are no constraints showing on the Local Development Plan (LDP) Constraints Map and no proposals showing on the LDP Proposals Map.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks approval for a non-material amendment to vary the wording of Condition 24 (Highway Improvement Works).
- 3.2 Condition 24 of 22/0919 currently reads:

Except for site clearance and remediation no development shall commence until a scheme for the design and construction of highway improvement works, including timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. For avoidance of doubt, the works shall include:

- Reconfiguration of footway /carriageway on the minor arm of Oak Road / Court Gardens to the effect of providing parking and reconfiguring the pedestrian routes and involving dedication and stopping up of highway.
- Reconfiguration of footway /carriageway on the minor arm of Oak Road / Court Gardens to the effect of providing an amended turning head and access to parking
- Replacement/upgrade of street lighting necessary as part of the detailed design.
- Drainage works necessary to facilitate the highway works.
- Application of road markings (double yellow lines) to Oak Road.

The approved scheme shall include Road Safety Audit and subsequently be implemented prior to first occupation of the development hereby approved.

Reason: To ensure that the sufficient measures are taken such that the highway network can accommodate the development and that the traffic generated does not exacerbate unsatisfactory highway or transportation conditions.

It is proposed to reword the condition to read (see additional wording in **bold**):

No works shall commence within the highway until a scheme for the design and construction of highway improvement works, including timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be developed in accordance with IR21004 - 137-1 P3 SECTION 111 AGREEMENT LAYOUT-SOUTHERN PH 1 and IR21004 - 137-2 P3 SECTION 111 AGREEMENT LAYOUT-NORTHERN PH 2. For avoidance of doubt, the works shall include:

- Reconfiguration of footway /carriageway on the minor arm of Oak Road / Court Gardens to the effect of providing parking and reconfiguring the pedestrian routes and involving dedication and stopping up of highway.
- Reconfiguration of footway /carriageway on the minor arm of Oak Road / Court Gardens to the effect of providing an amended turning head and access to parking
- Replacement/upgrade of street lighting necessary as part of the detailed design.
- Drainage works necessary to facilitate the highway works.
- Application of road markings (double yellow lines) to Oak Road.

The approved scheme shall include Road Safety Audit and subsequently be implemented prior to first occupation of the development phase to which it relates hereby approved.

Reason: To ensure that the sufficient measures are taken such that the highway network can accommodate the development and that the traffic generated does not exacerbate unsatisfactory highway or transportation conditions.

4. RELEVANT SITE HISTORY

Application No:	Proposal:	Decision:	Decision Date:
25/0934	PARTIAL DISCHARGE OF CONDITION 8 (ECOLOGICAL ENHANCEMENT AND HABITAT MANAGEMENT PLAN) OF 22/0919 DEMOLITION OF 1 - 23 OAK ROAD AND REDEVELOPMENT TO PROVIDE 43 RESIDENTIAL HOMES COMPRISING 5 HOUSES AND 9 FLATS ON THE NORTH SITE AND 29 FLATS ON THE SOUTH SITE ALONGSIDE LANDSCAPING, ACCESS, PARKING AND ASSOCIATED WORKS	Pending Consideration	N/A
25/0915	PARTIAL DISCHARGE OF CONDITION 2 (BIO DIVERSITY ENHANCEMENT) OF 24/0066 FOR THE REFURBISHMENT OF UNITS 3 & 4 (CLASS A1) COMPRISING EXTERNAL ALTERATIONS INCLUDING NEW SHOPFRONT AND LOBBY TO CREATE A SINGLE RETAIL UNIT, CREATION OF SERVICING PLATFORM TO REAR, CAR PARKING RECONFIGURATION, CYCLE STANDS AND TROLLEY BAYS, PLANT ENCLOSURE AND ASSOCIATED WORKS	Approved	11 December 2025
25/0825	PARTIAL DISCHARGE OF CONDITION 6 (LANDSCAPING) OF 22/0919 FOR DEMOLITION OF 1 - 23 OAK ROAD AND REDEVELOPMENT TO PROVIDE 43 RESIDENTIAL HOMES COMPRISING 5 HOUSES AND 9 FLATS ON THE NORTH SITE AND 29 FLATS ON THE SOUTH SITE ALONGSIDE LANDSCAPING,	Approved	12 January 2026

	ACCESS, PARKING AND ASSOCIATED WORKS		
25/0663	PARTIAL DISCHARGE OF CONDITIONS 3 (CONSTRUCTION METHOD STATEMENT), 4 (CEMP), 5 (PARKING, HGV TURNING AND SERVICING) AND 7 (DRAINAGE) OF 22/0919 DEMOLITION OF 1 - 23 OAK ROAD AND REDEVELOPMENT TO PROVIDE 43 RESIDENTIAL HOMES COMPRISING 5 HOUSES AND 9 FLATS ON THE NORTH SITE AND 29 FLATS ON THE SOUTH SITE ALONGSIDE LANDSCAPING, ACCESS, PARKING AND ASSOCIATED WORKS	Approved	17 December 2025
25/0066	NMA APPLICATION TO VARY CONDITIONS 5 (PARKING, TURNING AND SERVICING AREAS) AND 8 (ECOLOGICAL ENHANCEMENT AND HABITAT MANAGEMENT PLAN) OF 22/0919 DEMOLITION OF 1 - 23 OAK ROAD AND REDEVELOPMENT TO PROVIDE 43 RESIDENTIAL HOMES COMPRISING 5 HOUSES AND 9 FLATS ON THE NORTH SITE AND 29 FLATS ON THE SOUTH SITE ALONGSIDE LANDSCAPING, ACCESS, PARKING AND ASSOCIATED WORKS	Approved with Conditions	20 March 2025
22/0919	DEMOLITION OF 1 - 23 OAK ROAD AND REDEVELOPMENT TO PROVIDE 43 RESIDENTIAL HOMES COMPRISING 5 HOUSES AND 9 FLATS ON THE NORTH SITE AND 29 FLATS ON THE SOUTH SITE ALONGSIDE LANDSCAPING, ACCESS, PARKING AND ASSOCIATED WORKS	Granted with Conditions	8 January 2025
12/0886	PRIOR NOTIFICATION FOR THE DEMOLITION OF ST JOHN'S COURT	Prior Approval Not Required	11 October 2012
11/1275	PRIOR NOTIFICATION FOR PROPOSED DEMOLITION OF UNOCCUPIED SHELTERED ACCOMMODATION	Prior Approval Required	12 January 2012

5. PLANNING POLICY

5.1 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

5.2 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.

5.3 Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission (July 2014).

5.4 Newport Local Development Plan (2011-2026)
Policies SP13, GP2, GP4, GP5, GP6, H3, H4, T4 and W3.

6. CONSULTATION RESPONSES

6.1 Local Highways Authority: Content to accept the re-wording of the condition.

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 the change. As stipulated in *Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission*, 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?

8.3.1 With regard to Condition 24, the alterations to the wording of the condition would mean that site clearance, remediation, and now development, could commence prior to the submission of a scheme for the design and construction of highway improvement works. The condition would however still prevent any works within the highway from commencing prior to the submission of the relevant details. As such it is considered the changes to the wording of this condition would not result in any impacts different to those caused by the original approved development scheme, neither would they result in a detrimental impact either visually or in terms of local amenity. In addition, it is not considered that the interests of any third party or body be disadvantaged in planning terms, neither would the proposed change conflict with national or development plan policies. The Local Highways Authority have reviewed the submission and have advised that the works should be in accordance with the Section 111 Agreement which they are involved in and that there are no objections to amend the wording of the condition as above.

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 alteration to the wording of Conditions 24 of the previous consent 22/0919 is considered to comply with the tests as set out within this report and is considered to be a non-material amendment to the previously approved scheme.

11. DECISION

APPROVED WITH CONDITIONS

1. No works shall commence within the highway until a scheme for the design and construction of highway improvement works, including timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be developed in accordance with IR21004 - 137-1 P3 SECTION 111 AGREEMENT LAYOUT-SOUTHERN PH 1 and IR21004 - 137-2 P3 SECTION 111 AGREEMENT LAYOUT-NORTHERN PH 2. For avoidance of doubt, the works shall include:

- Reconfiguration of footway /carriageway on the minor arm of Oak Road / Court Gardens to the effect of providing parking and reconfiguring the pedestrian routes and involving dedication and stopping up of highway.
- Reconfiguration of footway /carriageway on the minor arm of Oak Road / Court Gardens to the effect of providing an amended turning head and access to parking
- Replacement/upgrade of street lighting necessary as part of the detailed design.
- Drainage works necessary to facilitate the highway works.
- Application of road markings (double yellow lines) to Oak Road.

The approved scheme shall include Road Safety Audit and subsequently be implemented prior to first occupation of the development phase to which it relates hereby approved.

Reason: To ensure that the sufficient measures are taken such that the highway network can accommodate the development and that the traffic generated does not exacerbate unsatisfactory highway or transportation conditions.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 - 2026 (Adopted January 2015). Policies SP13, GP2, GP4, GP5, GP6, H3, H4, T4 and W3 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.