

Delegated Decision Report

Application No:	26/0268	Statutory Period Expires:	21st July 2026
Site:	7 Stow Park Circle Newport NP20 4HE		
Proposal:	S73 APPLICATION TO VARY STANDARD TIME CONDITION IN RESPECT OF 19/0420 VARIATION OF STANDARD FULL CONDITION OF PLANNING PERMISSION 12/0212 FOR THE ERECTION OF FLATS		
Applicant:	J Khan		
Type:	Renewals and Variation of Conditions	Ward:	Gaer
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

- 1.1 The proposal seeks a third extension to the time for development to commence. The supporting letter states that the extension is for a further 2 years only. Section 91 of the Town and Country Planning Act 1990 (as amended by the Planning (Wales) Act 2015) provides that planning permission is subject to a condition requiring development to begin before the expiration of the applicable period. In Wales, the applicable period is 5 years unless a different period is specified in the permission.
- 1.2 Section 91(b) provides the authority to the Local Planning Authority to impose a longer or shorter period to begin development; in this specific case, as the applicant has requested a shorter period of 2 years and the LPA has authority to consider such a request, should all other matters be acceptable, the period of time to begin development shall be limited to 2 years.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is located within a settlement boundary and the Stow Park Conservation Area within Parking Zone 3. The site is accessible from the one-way highway of Stow Park Circle and has a shared vehicular and pedestrian access with 7 Stow Park Circle. The development site is located to the rear of 7 Stow Park Circle; the topography of the site declines toward the rear boundary. A number of trees enclose the rear boundary resulting in significant tree canopies over the application site. The rear amenity area also serves as the off street parking for 7 Stow Park Circle.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 As set out above, the current Section 73 application seeks to extend the period to commence development for a further 2 years. The previous consent sought to erect a four-storey apartment building providing 8no. apartments (7no. two bedroom and 1no. one bedroom).

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
26/0003	PARTIAL DISCHARGE OF CONDITION 4 (MATERIALS), CONDITION 7 (SLAB LEVEL) AND CONDITION 11 (ACCESS ROAD) OF 19/0420 VARIATION OF STANDARD FULL CONDITION OF PLANNING PERMISSION 12/0212 FOR THE ERECTION OF FLATS	Approved	19.05.2026
26/0002	PARTIAL DISCHARGE OF CONDITION 2 (CEMP), CONDITION 3 (CEMP: BIODIVERSITY), CONDITION 6 (ECOLOGICAL ENHANCEMENT) AND CONDITION 9 (ARBORICULTURALIST) OF 19/0420 VARIATION OF STANDARD FULL CONDITION OF PLANNING PERMISSION	Approved	14.04.2026

	12/0212 FOR THE ERECTION OF FLATS		
26/0084	PARTIAL DISCHARGE OF CONDITION 10 (LANDSCAPING AND TREE PLANTING) OF 19/0420 VARIATION OF STANDARD FULL CONDITION OF PLANNING PERMISSION 12/0212 FOR THE ERECTION OF FLATS	Approved	14.04.2026
19/0420	VARIATION OF STANDARD FULL CONDITION OF PLANNING PERMISSION 12/0212 FOR THE ERECTION OF FLATS	Granted with conditions	13.05.2021
12/0212	NEW RESIDENTIAL FLATS DEVELOPMENT (7NO. TWO BED AND 1NO. ONE BED)	Granted with conditions	03.06.2014

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

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- SP1 – Sustainability
- SP2 – Health
- SP9 – Conservation of the Natural, Historic and Built Environment
- SP12 – Community Facilities
- SP13 – Planning Obligations
- SP18 – Urban Regeneration
- GP2 – General Amenity
- GP3 – Service Infrastructure
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- CE7 – Conservation Areas
- H2 – Housing Standards
- H4 – Affordable Housing
- T4 – Parking
- W3 – Provision for Waste Management Facilities in Development

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- Parking Standards
- New Dwellings
- Trees, Woodland, Hedgerows and Development Sites
- Air Quality

6. CONSULTATION RESPONSES

6.1 Principal Heritage Officer: No issues with varying the commencement condition from a heritage perspective.

6.2 Ecology Officer: No response.

6.3 Landscape Architect: No objection.

- 6.4 Tree Team: No objection.
- 6.5 Drainage Manager: No response.
- 6.6 Education Information Manager: No response.
- 6.7 Housing Development Manager: No response.
- 6.8 Leisure Services Manager: No response.
- 6.9 Planning Contributions Manager: Section 106 obligations waived.
- 6.10 Environmental Health Officer: No objection.
- 6.11 SAB Officer: Having reviewed the submitted information, a SAB application may not be required but if there are any external works exceeding 100square metres then we would encourage the applicant to visit <https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.newport.gov.uk%2Fen%2FPlanning-Housing%2FPlanning%2FSustainable-drainage-systems.aspx&data=05%7C02%7CJacob.Cooke%40newport.gov.uk%7C71da699499ec4b424e6608de9abc2423%7C2c4d0079c52c4bb3b3cad8eaf1b6b7d5%7C0%7C0%7C639118330006090279%7CUnknown%7CTWfPbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUslYiOilwLjAuMDAwMCIsIlAiOiJXaW4zMilslkFOljoiTWFpbClldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=a0XpYX6DV1Z5TRKvb%2BtaJISIL8pkV9%2Fv4%2FdxWi3oHRA%3D&reserved=0> for further information or contact the SAB team sab@newport.gov.uk for further discussions.
- 6.12 Waste Manager: No response.
- 6.13 Highways Officer: No response.
- 6.14 Dwr Cymru/Welsh Water: We have no comments to make on the extension of time, however we respectfully request that any drainage related conditions are maintained on any new consent granted for the development.

7. PUBLIC REPRESENTATIONS

Neighbour notification letters were sent on the 14th April 2026 and a Site Notice was put up on the 17th April 2026.

- 7.1 NEIGHBOURS: 1no. objection received and 1no. representation (summarised):
- Conflict with Councils investment into allotment biodiversity
 - Adverse impact upon highway safety and parking provision
 - Impact upon the setting of the conservation area and surrounding buildings.
 - Fundamental change in the planning context between the previous consent and the current situation, most notably biodiversity enhancements.

8. ASSESSMENT

8.1 Background

- 8.1.1 The planning history shows that the scheme was originally consented in 2014 for the erection of a new flatted development comprising of 8no. flats; in 2021 a variation of condition was approved extending the period of time to commence development for a further 5 years.
- 8.1.2 During the period of 2014 – 2021 a new Local Development Plan was adopted, and national policy amendments occurred through the editions of Planning Policy Wales.
- 8.1.3 The recent variation of condition application was considered against the current adopted Local Development Plan, however Planning Policy Wales (Ed.12) was released in 2024 which does represent as a material difference in the policy framework.

8.1.4 There have been no amendments to the previously approved plans under this application and remains as a three storey 8no. apartment development at the rear of 7 Stow Park Circle in the same position and layout.

8.2 Principle of Development

8.2.1 The application site remains to be located within an urban settlement boundary as per the maps contained within the adopted Newport Local Development Plan 201 – 2026 (Adopted January 2015).

8.3 Impact upon Amenity

8.3.1 The previous application was assessed against the existing adopted LDP policies and current supplementary planning guidance, no alterations are proposed to any floor layouts, building location or fenestration placement. Therefore, the proposal would have no greater impact upon any neighbouring property or the amenity of any occupiers than that already approved. The size of the flats still achieves the minimum size requirements as per the New Dwellings SPG.

8.3.2 The amount of private and communal amenity space would also remain as per the previously approved scheme; despite the private amenity space not meeting the desired standards, it is considered that a reason for refusal could not be sustained on those grounds when considering the scheme as a whole which includes 550sqm of communal amenity space within the grounds of the site.

8.4 Impact upon Parking and Highway Safety

8.4.1 No objection to the scheme has been received from the Highways Officer; it is considered that the provision of 14no. off street parking spaces acceptably serves the proposed 8no. flats and accords with the aims of Future Wales 2040 – The National Plan to reduce car dependency and promote car-free developments.

8.4.2 The scheme retains the proposed 4.5m wide vehicle access onto Stow Park Circle and no previous concerns have been raised regarding visibility splays at the junction.

8.5 Impact upon Ecology and Biodiversity

8.5.1 Since the determination of the 2021 consent, Planning Policy Wales (Ed.12) was issued in 2024. Within this document contains the duty to ensure that all developments result in a net gain in biodiversity and the requirement for a Green Infrastructure Statement following the DECCA framework and step-wise approach.

8.5.2 However, application 26/0002 sought to discharge details relating to ecological enhancement which were considered acceptable. These details included the onsite provision of native tree and hedgerow planting, bat & bird boxes, reptile hibernacula, hedgehog highways and creation of wildflower areas.

8.5.3 Concern has been raised by a third party regarding impact upon adjacent allotments. The proposed development would not directly impact the existing allotments as they are separate parcels of land. The onsite mitigation for the loss of trees at the southern boundary are mitigated through the bolstering of existing hedgerows and the planting of several species of native trees.

8.5.4 Details of the location of landscaping have been approved via application 26/0084 which ensures the planting shall be carried out and result in a net gain to biodiversity.

8.6 Section 106 Planning Obligation matters

8.6.1 In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Reg 122 of these regulations sets out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

a) Necessary to make the development acceptable in planning terms; (the obligations of the Section 106 Agreement are necessary to ensure adequate education provision, secure

affordable housing on site, provide sufficient open space and ensure its continued maintenance, monitor air quality, promote local employment benefits, secure appropriate long-term marketing of the retail/ commercial units and to improve accessibility for vehicles and pedestrians to/ from the development to ensure policy compliance.)

b) Directly related to the development; (the obligations of the Section 106 Agreement are directly related to the development.)

and

c) Fairly and reasonably related in scale and kind to the development (the obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure the aforementioned contributions for the development of this strategic site).

In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011-2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location. In this case, section 106 planning obligations are required to mitigate the impact of the development in accordance with the table below.

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
<i>Regeneration and Economic Development</i>	To provide a commuted sum toward off site affordable housing and leisure.	A commuted sum of £37,522 toward off site affordable housing and £9,713 toward leisure equipment improvements.	No.	Yes.

VIABILITY

In this case, the developer has provided information in relation to the viability of the planning obligations relevant to the scheme. Following independent assessment of the viability information the Planning Contributions Manager has waived the Section 106 contributions. It is noted that the previous 2021 application also waived the Section 106 contributions. The viability information has been updated for the consideration of the current application.

8.7 Impact upon the Conservation Area

8.7.1 The Principal Heritage Officer has raised no objection to the variation of the time to commence development, and it is considered that no material change upon the Conservation Area would occur as no alterations to the previously approved scheme are proposed.

8.8 Other Matters

8.8.1 The proposal would not impact the investment to the adjacent allotment and the biodiversity enhancement scheme would represent as a net benefit for biodiversity. Regarding highways, the scheme seeks to use the same access point, layout and amount of off street parking as per the previous consents. The impact would remain the same as per the previous consent with regard to the conservation area. As such, it is considered that there has been no material change in the character or qualities of the area and the scheme remains to be acceptable in accordance with relevant national and local planning policies.

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 development remains to accord with all relevant national and local planning policies and is therefore granted with conditions.

11. **DECISION
GRANTED WITH CONDITIONS**

01 The development to which this permission relates must be begun not later than the expiration of **TWO YEARS** from the date of this permission.

Reason: To conform to the requirements of Sections 91 and 92 of the Town and Country Planning Act 1990.

02 The development shall be implemented in accordance with the following plans and documents as approved within application 19/0420.

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

03 The development shall be carried out in accordance with the Construction Environment Management Plan (CEMP) and the Construction Environment Management Plan: Biodiversity (CEMP: Biodiversity) details as approved via application 26/0002.
REASON: To safeguard habitats and species protected under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), and Environment (Wales) Act 2016.

04 The development shall be carried out in accordance with the scheme of materials as approved under application 26/0003. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.
Reason: To ensure that the development is completed in a manner compatible with its surroundings, in accordance with Policy GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

05 No development, to include demolition, shall commence until a Tree Protection Plan (in accordance with BS 5837:2012) has been implemented on site in accordance with Treescene resubmitted TCP (undated) titled revision "A" and has been approved in writing by the Local Planning Authority
Reason: To protect important landscape features within the site, in accordance with Policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

06 The development shall be carried out in accordance with the details of ecological enhancement as approved by application 26/0002. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.
Reason: To ensure the development provides ecological net benefit as required in Planning Policy Wales Edition 10 and in accordance with Policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

07 The development shall be carried out in accordance with the details of slab levels as approved by application 26/0003. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.
Reason: In the interests of visual amenities. in accordance with Policy GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

08 No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until the Root Protection Barrier fencing has been installed in accordance with the approved Tree Protection Plan. No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area. All weather notices on Heras fencing, 1 per 10 panels, stating 'CONSTRUCTION EXCLUSION ZONE NO ACCESS' shall be erected. The fencing shall be retained for the full duration of the development, and shall not be removed or repositioned.
Reason: To protect important landscape features within the site, in accordance with Policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

09 The development shall be carried out in accordance with the arboricultural details as approved by application 26/0002.
Reason: To protect important landscape features within the site, in accordance with policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

10 The development shall be carried out in accordance with the landscaping details as approved by application 26/0084.
REASON: To preserve the appearance of the Conservation Area in accordance with policy GP5 and CE7 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

11 The development shall be carried out in accordance with the access road details as approved by application 26/0003.

REASON: To ensure that the roads shall be constructed and sited to the satisfaction of the Council so far as to provide a proper means of access for traffic in accordance with policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

12 Prior to the first beneficial occupation of the development hereby approved the parking turning and access areas as shown on the plans hereby approved for the existing flats and the proposed flats and then maintained and kept clear for car parking purposes for the site thereafter.

Reason: To ensure adequate parking is provided on site in the interests of highways safety and in accordance with policies GP4 and T4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

13 Prior to the first beneficial occupation of any unit hereby approved the cycle parking area shall be provided in accordance with the plans hereby approved and then maintained in that state thereafter.

Reason: To encourage the use of sustainable modes of transport, in accordance with policies SP1 and GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

14 Prior to the first beneficial occupation of any flat hereby approved full details of the bin storage, to include elevations and finish detail, shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall be fully implemented as approved and then maintained thereafter in that state.

Reason: To ensure adequate bin storage is provided for the site in the interest of visual and residential amenity and to ensure that the character or appearance of the Conservation Area preserved in accordance with policy GP5 and CE7 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

15 Prior to the first beneficial occupation of the building hereby approved, suitable boundary treatments shall have been constructed in accordance with details which shall have previously been submitted to and agreed in writing by the Local Planning Authority and then shall be maintained accordingly thereafter.

Reason: To ensure the development is completed in a satisfactory manner in accordance with policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

16 Prior to the first beneficial occupation of the extension hereby approved, a foul and surface water drainage system shall be installed in accordance with full details which shall have first been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure an orderly form of development and complies with Policy GP3 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

17 Except where otherwise agreed in writing by the Local Planning Authority no existing trees shall be felled, topped or lopped, and no existing hedges shall be removed.

Reason: To protect existing landscape features on the site, 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 SP1, SP2, SP9, SP12, SP13, SP18, GP2, GP3, GP4, GP5, GP6, CE7, H2, 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.