

Delegated Decision Report

Application No:	25/0913	Statutory Period Expires:	21st January 2026
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Site:	Bassaleg School Forge Road Bassaleg Newport South Wales		
Proposal:	NON MATERIAL AMENDMENT TO REMOVE CONDITION 5 (DISABLED SPACES, MOTORBIKE SPACES AND EV CHARGING) OF 21/0360 FOR PROPOSED NEW SPORTS FACILITIES INCLUDING TWO ALL WEATHER THIRD GENERATION (3G) PITCHES, IMPROVED GRASS RUGBY PITCH AND MULTI USE GAMES AREA, SUSTAINABLE DRAINAGE, LANDSCAPING AND OTHER ASSOCIATED WORKS		
Applicant:	Willmott Dixon Construction Ltd		
Type:	Non-Material Amendment	Ward:	Graig
Decision:	APPROVED		

1. BACKGROUND

- 1.1 Application 21/0360 was the original application on site for a PROPOSED NEW SPORTS FACILITIES INCLUDING TWO ALL WEATHER THIRD GENERATION (3G) PITCHES, IMPROVED GRASS RUGBY PITCH AND MULTI USE GAMES AREA, SUSTAINABLE DRAINAGE, LANDSCAPING AND OTHER ASSOCIATED WORKS. It is noted that condition 05 of this application states:

05 The development shall not be occupied until details and the location of disabled spaces, motorbike spaces and EV charging points are provided as part of the 19097 05 1106B - Community Parking Spaces. The details shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the agreed details and retained in perpetuity.

Reason: To ensure the provision on site of parking to serve the development in the interests of highway safety, air quality and sustainable development, complying with the requirements of T4-Parking GP4- Highways and Accessibility of the Adopted LDP and the Adopted Parking Standards and Sustainable Travel SPG of the Adopted LDP 2011-2026.

- 1.2 Application 21/1084 was a later application on site which was granted with conditions for the DEMOLITION OF EXISTING STRUCTURES, PROPOSED NEW TEACHING BLOCK AND ASSOCIATED WORKS INCLUDING NEW CAR PARKING AND DROP-OFF ARRANGEMENTS, FLOOD LIGHTING TO SPORTS PITCH, SUSTAINABLE DRAINAGE, LAND REPROFILING AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 393/112. It is noted condition 12 states:

12 No part of the development hereby approved shall be brought into beneficial use until such time as the car parking areas (including disabled spaces and electric vehicle charging spaces) and bus loop have been laid out in accordance with the details shown on 19097 05 1017B - Car Parking Plan. The parking provision shall thereafter be so retained at all times to serve the development hereby approved.

Reason: To ensure the provision on site of parking to serve the development in the interests of highway safety, air quality and sustainable development, in accordance with policies SP1, GP4, GP7 and T4 of the Newport Local Development Plan.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site relates to the existing Bassaleg High School grounds, located within 'Urban Boundary' as identified in the Newport Local Development Plan 2011-2026. The school is located within spacious grounds and the main access is located on Forge Road with a rear access from The Griffin.
- 2.2 The school comprises of a number of permanent buildings and temporary modular buildings that have been constructed on the site over many years. The existing playing fields are located to the west of the grounds, nearer to the rear boundary, which backs onto The Griffin and some properties along Caerphilly Road to the north.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application seeks a non-material amendment to remove condition 05 (DISABLED SPACES, MOTORBIKE SPACES AND EV CHARGING) of 21/0360. Condition 05 is proposed to be removed as it duplicates the need for parking provision within the site, as provision was provided in a later application. Under 21/1084, it was conditioned for 7no. disabled spaces, and 2no. EV charging spaces (with provision for a future 8 spaces) in the car park to the North of the Site.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
21/1084	DEMOLITION OF EXISTING STRUCTURES, PROPOSED NEW TEACHING BLOCK AND ASSOCIATED WORKS INCLUDING NEW CAR PARKING AND DROP-OFF ARRANGEMENTS, FLOOD LIGHTING TO SPORTS PITCH, SUSTAINABLE DRAINAGE, LAND REPROFILING AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 393/112	GC	03/02/2022
21/0360	PROPOSED NEW SPORTS FACILITIES INCLUDING TWO ALL WEATHER THIRD GENERATION (3G) PITCHES, IMPROVED GRASS RUGBY PITCH AND MULTI USE GAMES AREA, SUSTAINABLE DRAINAGE, LANDSCAPING AND OTHER ASSOCIATED WORKS	GC	09/07/2021

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 Section 96A of the Town and Country Planning Act 1990

6. CONSULTATION RESPONSES

6.1 Highways:

Original Comments

It appears that sufficient disability parking and vehicle charging spaces are provided and the parking specified in the condition is not essential. There are therefore no objections.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

8.1 This application seeks a non-material amendment to remove condition 05 (DISABLED SPACES, MOTORBIKE SPACES AND EV CHARGING) of 21/0360.

8.2 Under 21/0360, the number of disabled, motorbike, or EV spaces had not been provided on the agreed car parking plan. However, the highways officer stated that further details could be secured via condition (condition 05). This area of parking was to the South of the site.

8.3 Through a later application, 21/1084, provision for community parking spaces had been provided on site to the North car park and conditioned (condition 12), which included EV charging spaces and disabled spaces.

8.4 Section 96A of the Town and Country Planning Act 1990 allows a non-material amendment to be made to an existing planning permission. Whilst there is no statutory definition of a 'non-material amendment' Welsh Government Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission set out the following tests for consideration;

8.5 *The scale of the proposed changes and whether they are great enough to cause an impact different to that caused by the original approved development, and whether that change would have a detrimental impact either visually or in terms of local amenity; whether any third party or body would be disadvantaged in planning terms; and if the proposed change conflicts with national or development plans policies.*

8.6 When assessing the scale of the proposed changes, it is noted that the removal of condition 05 of 21/0360 would remove the need for the applicant to provide disabled/EV parking within the carpark to the South of the site. It should be assessed, if condition 05 is removed, would there be sufficient disabled/EV parking elsewhere on the site to meet the requirement. In a later application, 21/1084, disabled/EV parking had been agreed to the North of the site and secured via condition. Therefore, the removal of condition 05 would not alter the scale of development, and the spaces are still provided within the site. The highways officer, through correspondence, suggests that as long as visitors can access the North car park at all times (which has been confirmed by the applicant), then condition 05 of 21/0360 can be removed as it would duplicate the already agreed provision under 21/1084. When assessing whether the change would have a detrimental impact either visually or in terms of local amenity it is considered that the visual impact would remain the same given that the spaces have been agreed to be located within a previously approved car park. Moreover, it is considered that a third party would not be affected by this change. There are no changes to Policy that would affect the proposal. Therefore, given the changes, it is considered that the scheme does comply with Section 96A of the Town and Country Planning Act 1990 and would not constitute a material change. Therefore, condition 05 of 21/0360 can be removed.

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 complies with Section 96A of the Town and Country Planning Act 1990 and therefore, condition 05 can be removed.

11. **DECISION**

APPROVED

NOTE TO APPLICANT

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

02 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.