

Delegated Decision Report

Application No:	26/0049	Statutory Period Expires:	25th March 2026
Site:	<i>Land Formerly Known As Tredegar Park Golf Course Park View Bassaleg Newport South Wales</i>		
Proposal:	<i>PROPOSED MODIFICATION OF THE SECTION 106 AGREEMENT DATED 21 JANUARY 2015 RELATING TO APPLICATION 12/0254</i>		
Applicant:	<i>Codi Group Limited</i>		
Type:	S106a	Ward:	Graig
Decision:	APPROVED Section 106a Modification		

1. BACKGROUND

- 1.1 A previous consent 12/0254 was granted for the variation of 09/0096 for the wider residential development of the area. The current application seeks to vary the terms of the previously signed Section 106 agreement to allow for the properties to be considered as *Market Value Subject to Tenancy (MV-STT)*, rather than the current categorisation as *Existing Use Value – Social Housing (EUV-SH)*, as this would increase the value of the dwellings from the perspective of lenders.

2. SITE LOCATION AND CONTEXT

- 2.1 The site as now built out includes residential properties to the northside of the River Ebbw and areas of open space to the south side of the River Ebbw. The M4 motorway is located to the east of the site.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 Amendment to the wording of the Section 106 agreement to allow for the consideration of the dwellings to be *Market Value Subject to Tenancy (MV-STT)*.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
12/0254	VARIATION OF STANDARD CONDITION B (SEEKING EXTENSION OF TIME BY THREE YEARS FOR COMMENCEMENT OF DEVELOPMENT AND SUBMISSION OF RESERVED MATTERS) AND 16 (FLOOD ALLEVIATION WORKS) RELATING TO PLANNING PERMISSION 09/0096 FOR RESIDENTIAL DEVELOPMENT, PUBLIC OPEN SPACE, FLOOD ALLEVIATION WORKS AND ASSOCIATED ENVIRONMENTAL IMPROVEMENTS AFFECTING PUBLIC RIGHT OF WAY 393/120 AND 393/121 (OUTLINE)	Granted with conditions	26.01.2015
09/0096	VARIATION OF CONDITION 02 (SUBMISSION OF RESERVED MATTERS) OF APPEAL DECISION REF G6935/A/05/1186037 FOR RESIDENTIAL DEVELOPMENT, PUBLIC OPEN SPACE, FLOOD ALLEVIATION WORKS AND ASSOCIATED ENVIRONMENTAL IMPROVEMENTS AFFECTING PUBLIC RIGHT OF WAY 393/120 AND 393/121 (OUTLINE)	Granted with conditions	17.11.2009

5. PLANNING POLICY

- 5.1 Newport Local Development Plan 2011 – 2026 (Adopted January 2015)
SP13 – Planning Contributions
H4 – Affordable Housing

6. CONSULTATION RESPONSES

- 6.1 Planning Contributions Manager: I offer no objections to the proposed changes to the principal s106 agreement (Ref: 12/0254). However, a Deed of Variation will be required to the principal s106 agreement.

7. PUBLIC REPRESENTATIONS

The application was advertised via a Site Notice on the 6th February 2026.

- 7.1 NEIGHBOURS: No comments received.

8. ASSESSMENT

8.1 Section 106 Planning Obligation matters

- 8.1.1 The proposal seeks to delete paragraph 8 of The Schedule Part D Affordable Housing (below):

‘Subject to paragraph 7 of this Schedule, the Owners hereby undertake to the Council not to transfer lease mortgage or otherwise dispose of the Affordable Housing Units and any land occupied therewith or any part of it save by way of sale of the freehold of the whole with the Affordable Housing Units erected thereon to Registered Social Landlord provided always that this covenant shall not bind mortgagees chargees or receivers who have entered possession or mortgagee successors in title to the Registered Social Landlord or people who in respect of an Affordable Housing Unit have staircased to 100% and the Affordable Housing Units shall thereafter absolutely cease to be subject to the covenant, and this this Agreement.

- 8.1.2 To be replaced with:

‘Subject to paragraph 7 of this Schedule, the Owners hereby undertake to the Council not to transfer lease or otherwise dispose (other than by way of legal mortgage or charge) of the Affordable Housing Units and any land occupied therewith or any part of it save by way of sale of the freehold of the whole with the Affordable Housing Units erected thereon to a Registered Social Landlord provided always that this covenant shall not bind people who in respect of an Affordable Housing Unit have staircased to 100% and shall thereafter absolutely cease to be subject to the covenant, and to this Agreement.’

- 8.1.3 Along with the addition of paragraph 10 as below:

‘The Affordable Housing provisions in Part D Affordable Housing of The Schedule shall not be binding on a mortgagee or chargee or any receiver (including an administrative receiver appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver)) of the whole or any part of the Affordable Housing Units or any persons or bodies deriving title through such mortgagee or chargee or Receiver.

- 8.1.4 The proposed amendments have received no objection from the Planning Contributions Manager and the scheme would not result in the loss of affordable housing units. It is highly unlikely that the affordable housing would end up on the open market due to the Registered Social Landlords being backed by Welsh Government. Therefore, the proposed amendment to the agreement is considered acceptable.

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 amendments and modification to the Section 106 agreement are considered acceptable. The amended provisions continue to ensure affordable housing is delivered in accordance with the principles of the agreement and in accordance with policies SP13 and H4 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

11. **DECISION**
APPROVED Section 106a Modification

NOTE TO APPLICANT

01 This decision relates to: the application form and covering letter from Devonshire Solicitors dated 14th January 2026.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP13 and H4 were relevant to the determination of this application.