

Delegated Decision Report

Application No:	25/0696	Statutory Period Expires:	24th September 2025
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Site:	<i>Phase 2D, Glan Llyn Development Site, Queensway, Llanwern, Newport, South Wales</i>		
Proposal:	NON MATERIAL AMENDMENT TO VARY CONDITION 1 (APPROVED PLANS) OF 20/0617 RESERVED MATTERS FOR RESIDENTIAL DEVELOPMENT OF 178NO. UNITS WITH OPEN SPACE AND ASSOCIATED WORKS (PHASE 2D) PURSUANT TO THE WESTERN SUB AREA MASTERPLAN AND OUTLINE PLANNING PERMISSION 06/0471. AMENDMENTS INCLUDE REMOVAL OF JULIETTE BALCONIES		
Applicant:	<i>Doyle</i>		
Type:	Non-Material Amendment	Ward:	Llanwern
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The development is on Phase 2D of the Glan Llyn Regeneration site (former Llanwern Steelworks) and consists of the construction of flats and houses and associated infrastructure. The developer is Persimmon with the application relating to Plots 49-54 which are 6no. one bedroom flats in a single block.

3. DESCRIPTION OF DEVELOPMENT

3.1 The change is the removal of proposed Juliet balconies which the applicant says is justified since windows cannot be fully opened if the balconies are left in place.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision & Date
06/0471/O	REDEVELOPMENT OF SITE TO CREATE A MIXED USE URBAN EXTENSION COMPRISING: A RANGE OF NEW HOMES (APARTMENTS, HOUSES AND SOME SHELTERED ACCOMMODATION FOR THE ELDERLY - USE CLASSES C2&C3); NEW OFFICES, WORKSHOPS, FACTORIES AND WAREHOUSES (USE CLASSES B1, B2&B8); COMMUNITY FACILITIES INCLUDING NEW SCHOOLS AND COMMUNITY CENTRES (USE CLASSES D1&D2); A LOCAL CENTRE INCORPORATING SHOPS, OFFICES AND COMMERCIAL LEISURE FACILITIES INCLUDING NEW BARS, CAFES AND LICENSED PREMISES (USE CLASSES A1, A2, A3&D2); A NETWORK	GC 01 April 2010

	OF OPEN SPACES INCLUDING PARKLAND, FOOTPATHS, SPORTS PITCHES AND AREAS FOR INFORMAL RECREATION; NEW ROADS, ACCESSES AND PATHS; HEALTHCARE AND FITNESS FACILITIES (USE CLASSES D1&D2); PROVISION FOR A NEW RAILWAY HALT/STATION; OTHER ANCILLARY USES AND ACTIVITIES; AND REQUIRING: SITE CLEARANCE, TREATMENT AND PREPARATION; THE INSTALLATION OF NEW SERVICES AND INFRASTRUCTURE; THE CREATION OF NEW WATER BODIES AND DRAINAGE CHANNELS; IMPROVEMENTS/WORKS TO THE HIGHWAYS NETWORK AND OTHER ANCILLARY WORKS AND ACTIVITIES	
20/0617/RM	RESERVED MATTERS FOR RESIDENTIAL DEVELOPMENT OF 178NO. UNITS WITH OPEN SPACE AND ASSOCIATED WORKS (PHASE 2D) PURSUANT TO THE WESTERN SUB AREA MASTERPLAN AND OUTLINE PLANNING PERMISSION 06/0471	AC 06 October 2021

5. PLANNING POLICY

5.1 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

GP2 – Amenity
GP6 – Quality of Design

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- New Dwellings

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

8.1 Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission (July 2024) sets out the tests for determining whether proposed changes to a planning permission are non-material. These are:

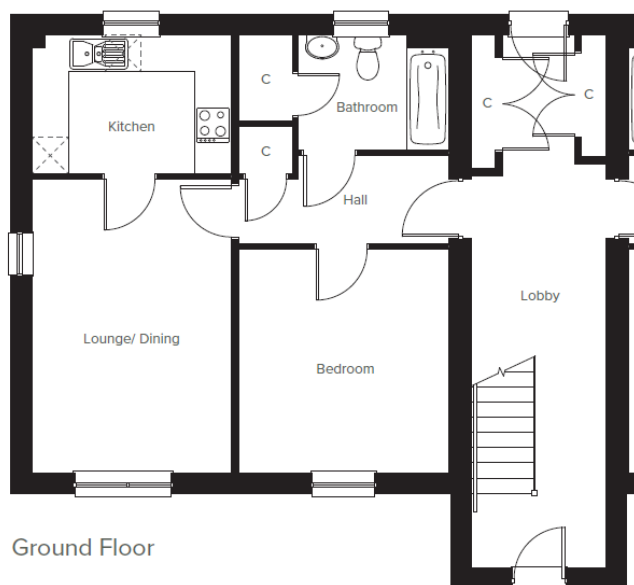
- (a)(i) is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme; and,*
(ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?
(b) would the interests of any third party or body be disadvantaged in planning terms;
or,
(c) would the proposed change conflict with national or development plan policies?

And any other test that presents itself as relevant in context.

- 8.2 The proposed change is the removal of Juliet style balconies from the approved flatted blocks, that is one block of 6no. one-bedroom flats. Each flat has a Juliet style balcony installed on the front elevation. The applicant advises that the installed balconies prevent windows being opened.
- 8.3 The changes would produce a small change in the appearance of the building as approved with the floor to ceiling windows retained, amounting to a loss of architectural detailing and a reduction in overall design quality. This is seen as contravening Policy GP6 (Design) of the adopted Newport Local Development Plan 2011-2026 (NLDP). As proposed:



- 8.4 The 'New Dwellings' SPG seeks balconies in new flats as a small but usable area of private outdoor amenity space. That was not insisted upon in this approval but the provision of Juliet balconies was seen as a compromise which would allow residents to open up the main habitable room of the flat to the outside for cooling, ventilation and to partially mitigate for the loss of true balconies. Approved floor plan:



- 8.5 The loss of the ability to open up the main habitable room to the outside is seen as detrimental to the amenity of future residents who will lose a small but meaningful amenity feature, especially in the context of a one-bedroom flat. This contravenes Policy GP2 (Amenity) of the adopted NLDP.
- 8.6 The proposed changes are judged to weaken the design credentials of the block, harm the amenity of future residents and are therefore contrary to NLDP Policies GP2 and GP6. The NMA tests are failed and the change is not a minor amendment.

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 changes are judged to weaken the design credentials of the block and harm the amenity of future residents and are therefore contrary to NLDP Policies GP2 and GP6. The NMA tests are failed and the change is a material amendment.

11. DECISION

REFUSED

01 The proposed changes are judged to weaken the design credentials of the block and harm the amenity of future residents and are therefore contrary to adopted Newport Local Development Plan Policies GP2 and GP6. The NMA tests are failed and the proposed change is a material amendment.

NOTE TO APPLICANT

01 This decision relates to the following plans & documents:

- Drawing SP-02 Rev 11 - Site Plan as Proposed
- Drawing 212-WD11-02 A - Proposed Elevation
- Drawing 212-WD11-02 – 2.1.2: Contemporary
- Drawing SL 01 02 – Site Location Plan
- Covering Letter – 20.08.2025

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2 & GP6 were relevant to the determination of this application.

03 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.