

Delegated Decision Report

Application No:	26/0159	Statutory Period Expires:	10th April 2026
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Site:	10 Summerhill Avenue Newport South Wales NP19 8FP		
Proposal:	NON-MATERIAL AMENDMENT TO 25/0670 INSTALLATION OF AIR SOURCE HEAT PUMP. AMENDMENT TO REPOSITION THE AIR SOURCE HEAT PUMP AND ACOUSTIC FENCE.		
Applicant:	P Vasques		
Type:	Non-Material Amendment	Ward:	Victoria
Decision:	APPROVED WITH CONDITIONS		

1. BACKGROUND

1.1 25/0670 was an application for *INSTALLATION OF AIR SOURCE HEAT PUMP. AMENDMENT TO REPOSITION THE AIR SOURCE HEAT PUMP* and was granted with conditions:

01 The development shall be implemented in accordance with the following plans and documents:

- *Site Location Plan*
- *Correspondence RE: Acoustic Fence Panel*
- *Rear View with Proposed Site to the Left*
- *Proposed Site with Property Boundary*
- *Proposed Site under Central Window*
- *Proposed Elevation*
- *Noise Assessment Calculations*
- *Heat Pump Location*
- *Cover Letter and Planning Statement*

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

02 Prior to the beneficial use of the development hereby approved, a 1.8m acoustic fence minimally to the specification set out in the email of 22.09.2025 shall be installed in the location and height shown in the drawing 'Proposed Elevation Plans' The fence shall be retained as approved so long as the approved pump is operational.

Reason: In the interests of the amenity of the occupants of the property and neighbouring occupants and in accordance with Policy GP2 of the NLDP

03 Prior to the first operation of the development hereby approved, the biodiversity enhancement scheme as detailed in 'Covering Letter and Planning Statement' shall be undertaken in full and retained for the lifetime of development.

Reason: In the interest of biodiversity, in accordance with Policy GP5.

2. SITE LOCATION AND CONTEXT

2.1 The property is a part two-storey, part three-storey dwelling located on Summerhill Avenue in the Victoria ward. The site is within the defined settlement boundary as identified in the adopted Newport Local Development Plan 2011 – 2026 and as shown on

the associated proposals map. The surrounding area is predominantly characterised by residential dwellings.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks a NMA to reposition the Air Source Heat Pump (ASHP) and acoustic fence to a different location in the rear garden. The scheme also changes the model of the ASHP proposed to a Midea 10kW R290 from the previously approved Daikin Altherma 3 9kW unit. The applicant has confirmed there is no change to the scale, external appearance or function of the development.
- 3.2 The previously approved noise output for the Daikin Altherma 3 9kW was 62dB. The proposed Midea 10kW R290 unit has a noise output of 40dB(A).

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
25/0670	INSTALLATION OF AIR SOURCE HEAT PUMP	GC	09/10/2025

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.

6. CONSULTATION RESPONSES

- 6.1 Environmental Health Officer:
I have no objection to the proposal, and the decision is based on the attached noise level calculation form provided as it has shown that the final result in step 9 of 40dB(A) is lower than the permitted development noise limit of 42dB(A).

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

- 8.1 This application seeks a non-material amendment to vary the approved plans condition 01 of planning permission 25/0670. Amendments include the relocation and model of the ASHP and relocation of the associated acoustic fence to a lower section of the rear garden.
- 8.2 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', the Authority must consider;
- 8.3 *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.*
- 8.4 Firstly, when assessing whether the proposed changes are great enough to cause an impact different to that caused by the original approved development, it is considered that the acoustic fence and ASHP would remain the same size but relocated to the lower tier of the garden below its original position. This is approximately 2m away from the original approved location, whilst maintaining the 1.5m separation distance from the neighbouring boundary fence. The relocation does not create a more prominent design within the rear amenity space given its similar location adjacent to the main dwellinghouse's built form, and its lower position in the garden would not create an overbearing impact to the neighbouring property. This can be shown below.



- 8.5 Secondly, no third party or statutory body would be disadvantaged in planning terms. The ASHP remains positioned to the rear of the applicant's dwelling and retains a separation distance of approximately 1.5 m from the neighbouring shared boundary, ensuring it is not prominent within the streetscene, or closer to the neighbouring dwelling. Environmental Health were consulted as part of the application. As the model of the ASHP differs from that originally approved, a revised noise assessment has been submitted to confirm the anticipated noise output. The Environmental Health Officer has raised no objections. The assessment demonstrates that the calculated noise level at Step 9—40 dB(A)—is below the permitted development limit of 42 dB(A). It also represents a reduction in noise compared with the ASHP previously approved under 25/0670. Therefore, it is considered

that the revised proposal would not result in any greater impact than that already permitted and would not disadvantage any third party. The applicant continues to propose the installation of a 1.8m-high acoustic fence, and this requirement will be retained by condition.

8.6 Lastly, the change in location of the development does not conflict with national or development plan policies. A full assessment was carried out under the previous application, and the change in location does not give rise to new policy considerations. There have been no new policies introduced since the previous application. Therefore, it is considered the development is still policy compliant.

8.7 Overall, given the change in location of the development, from the assessment above it is considered that the scheme does comply with Section 96A of the Town and Country Planning Act 1990.

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 changes proposed including the relocation and model of the ASHP and the relocation of the acoustic fence accords with Section 96A of the Town and Country Planning Act 1990.

11. DECISION

APPROVED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Site Location Plan; Proposed Location Angle 2; Midea R290 Datasheet.; Proposed Location.; Proposed Elevations.; Existing Elevations; Heat pump sound assessment (10 Summerhill) (1).

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

02 Prior to the beneficial use of the development hereby approved, a 1.8m acoustic fence minimally to the specification set out in: *Correspondence RE: Acoustic Fence Panel 22.09.2025* and the location set out under: *Proposed Elevations; Proposed Location* shall be erected and retained as approved so long as the approved pump is operational.

Reason: In the interests of the amenity of the occupants of the property and neighbouring occupants and in accordance with Policy GP2 of the NLDP

03 Prior to the first operation of the development hereby approved, the biodiversity enhancement scheme as detailed in 'Covering Letter and Planning Statement' shall be undertaken in full and retained for the lifetime of development.

Reason: In the interest of biodiversity, in accordance with Policy GP5.

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.