

Our Ref: 25.251
Date: 08 April 2026

Planning and Economic Regeneration
Newport City Council
Civic Centre
Newport
NP20 4UR

Unit 9 Oak Tree Court
Mulberry Drive
Cardiff Gate Business Park
Cardiff
CF23 8RS

Tel: 02920 732 652
www.asbriplanning.co.uk

Dear Sir/Madam,

Town & Country Planning Act 1990 (as amended)
Non-Material Amendment application to include Condition 31 (Approved Plans) of planning permission 08/0228
Land at Newhaus, Usk Way, Newport NP20 2FW
Planning Portal Reference: PP-14715033

Asbri Planning is acting as agent on behalf of Hedyn in respect of a non-material amendment application to include condition 31 (Approved Plans) of planning permission 08/0228 at Newhaus, Usk Way, Newport.

The following plans/documents are submitted in support of the application (plans that are too large to submit via Planning Portal will be noted with an asterisk* and sent via OneDrive):

Plan/Document	Prepared by/Ref
Application Forms	Asbri Planning
Cover Letter	Asbri Planning
<i>Architect Plans</i>	
Site Plan Proposed	1281_P_016 RevC
Location of Buried Structures	1281_P_020 RevA
Lower Ground Floor Plan	1281_P_100 RevL
Ground Floor Plan	1281_P_101 RevL
First Floor Plan	1281_P_102 RevL
Second Floor Plan	1281_P_103 RevE
Third Floor Plan	1281_P_104 RevE
Fourth Floor Plan	1281_P_105 RevE
Roof Plan	1281_P_106 RevE
North East Section A-A and South West Section B-B	1281_P_200 RevA
North East Section C-C and North West Section D-D	1281_P_201 RevA
South East Section E-E and North West Section F-F	1281_P_202 RevA
South East Section G-G	1281_P_203 RevA
South West Elevation and North East Elevation	1281_P_300 RevC
North West Elevation and South East Elevation	1281_P_301 RevB
Elevation Studies	1281_P_310 RevA
Block 1 SW & SE Elevations	1281_P_320 RevA
Block 1 & 3 – NEW Elevations	1281_P_321 RevA
Block 3 NW & SDW Elevations	1281_P_322 RevA
Block 1 NW & SE Elevations	1281_P_323 RevA

Background

The site benefits from an extant planning permission (Ref: 08/0228) for the following development:

"Variation of condition 01 (noise assessment) and 22 (materials) of planning permission 05/1644 for residential development comprising 154 apartments (including 15no. affordable dwellings) with associated car parking, landscape works and erection of 1no. commercial (A3) unit".

The approved permission relates to three separate residential blocks, one in the north (Block 3), one positioned centrally (Block 2), and the southern block (Block 1). Blocks 1 and 2 have been constructed and are occupied, however Block 3 has not been developed.

Hedyn intend to progress with the construction of the undeveloped block but wish to make changes to its design which will be regularised through a non-material amendment. However, due to the historic nature of the permission, the approved plans are not contained within a condition. Instead they are detailed in an informative note on the permission.

This non-material amendment therefore proposes to include an approved plans condition on the permission so that a further non-material amendment application can be submitted to vary the approved plans to regularise the proposed changes.

The Proposal

The informative note attached to the permission which details the approved plans states:

- (1) This decision relates to plan Nos: 1281-P-016 rev.C, 200 rev.A, 201 rev.A, 202 rev.A, 203 rev.A, 100 rev. L, 101 rev.L, 102 rev.J, 103 rev.E, 104 rev.E, 105 rev.E, 106 rev E, 300 rev.C, 301 rev.B, 310 rev A, 20 rev.A.

There are currently 30 conditions attached to the permission it is therefore proposed that condition 31 (approved plans) is added to the permission to read as follows:

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

- 1281-P-016 Rev.C – Site Plan Proposed
- 1281-P 020 Rev.A – Location of Buried Structures
- 1281-P 100 Rev.L – Lower Ground Floor Plan
- 1281-P 101 Rev.L – Ground Floor Plan
- 1281-P 102 Rev.L – First Floor Plan
- 1281-P 103 Rev.E – Second Floor Plan
- 1281-P 104 Rev.E – Third Floor Plan
- 1281-P 105 Rev.E – Fourth Floor Plan
- 1281-P 106 Rev.E – Roof Plan
- 1281-P 200 Rev.A – North East Section A – A and South West Section B – B
- 1281-P 201 Rev.A – North East Section C – C and North West Section D – D
- 1281-P 202 Rev.A – South East Section E – E and North West Section F – F
- 1281-P 203 Rev.A - SE Section G-G
- 1281-P 300 Rev.C – South West Elevation and North East Elevation
- 1281-P 301 Rev.B – North West Elevation and South East Elevation
- 1281-P 310 Rev.A – Elevation Studies
- 1281-P 320 Rev.A - Block 1 & 3 SW & SE Elevations
- 1281-P 321 Rev.A - Block 1 & 3 – NEW Elevations
- 1281-P 322 Rev.A - Block 3 NW & SDW Elevations
- 1281-P 323 Rev.A - Block 1 NW & SE Elevations

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

Appraisal

Section 96a of the Town & Country Planning Act 1990 allows non-material amendments to be made to an existing planning permission. This was brought into effect on the 1st September 2014. The Welsh Government has produced a guidance note entitled 'Approving Non-material Amendments to an Existing Planning Permission' which sets out four tests to be considered in determining whether an application qualifies as a non-material amendment. It is, therefore, necessary to assess the proposed amendment against the four tests in turn:

(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,

(a)(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?

(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

The scale of the proposed changes is not sufficient to result in any impacts beyond those associated with the originally approved scheme, as it relates to the exact plans or slightly different revisions to those approved within the "Note to Applicant" section of the Decision Notice. The proposed amendment is therefore considered to be compliant with test (a)(i).

(a)(ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?

The proposed changes will not result in a detrimental impact either visually or in terms of local amenity, given that the proposed non-material amendment simply relates to adding a condition to the permission detailing what the approved plans are and are already included as an informative note on the Decision Notice. There will be no design changes proposed as part of this non-material amendment or additional structures included as part of the proposal that would alter the visual character or affect surrounding amenity. The amendments are consequently in accordance with test (a)(ii).

(b) would the interests of any third party or body be disadvantaged in planning terms; or

The amendment relates only to the addition of condition 31 to planning permission 08/0228 to detail the approved plans, and does not introduce any changes to the proposed development at this stage, new structures or activities that would give rise to additional impacts to any third party. The amendment is therefore considered to be in accordance with test (b).

(c) would the proposed change conflict with national or development plan policies

Given the minor nature of the proposed amendment to the decision notice, there is unquestionably no conflict with planning policy on any scale in accordance with test (c).

In addition, the appropriate fee of £242 will be paid to the Authority in respect of the application fee. I trust that the submitted documents allow the application to be validated and look forward to receiving details of the name of the case officer, application reference number and target determination date. If you have any queries in the meantime, please do not hesitate to get in touch.

Yours Sincerely,

MWCRUSE

Max Cruse

Graduate Planner