

Delegated Decision Report

Application No:	26/0626	Statutory Period Expires:	6th October 2026
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Site:	<i>Land formerly known as 21 Kelvedon Street, Newport, South Wales</i>		
Proposal:	<i>NMA APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF 24/0756 THE CONSTRUCTION OF 30NO AFFORDABLE HOUSING APARTMENTS AND ASSOCIATED EXTERNAL WORKS AND PARKING. AMENDMENTS INCLUDE CHANGES TO MATERIALS</i>		
Applicant:	<i>L. Way</i>		
Type:	Non-Material Amendment	Ward:	Victoria
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
24/0756	THE CONSTRUCTION OF 30NO AFFORDABLE HOUSING APARTMENTS AND ASSOCIATED EXTERNAL WORKS AND PARKING	GRANTED WITH CONDITIONS	20.02.2026

3. ASSESSMENT

This application seeks a non-material amendment to change the external material of the building from silicone render to facing brickwork. The reason for the change is primarily driven by the Housing Association's maintenance regime and the desire to reduce service charges for tenants. The intended brick is a Forterra Kensington Cream Facing Brick in a light buff colour with a buff mortar as per the image below.



3.1 It is also proposed to change the approved red brick plinth to a 'Weinberger Staffordshire Smooth Blue' brick as seen in the image below:



3.2 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;

1. 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;
2. whether any third party or body would be disadvantaged in planning terms; and
3. if the proposed change conflicts with national or development plans policies.

3.2 It was noted under the consideration of the original permission that *"The façade of the building would feature projecting dormer balconies which along with a variation in materials; namely red facing brick plinth, white render, metal cladding for roof (extending to the upper floor façade and stairwell) would break up the expanse of the building façade and add architectural articulation."*

3.3 A significant proportion of the building was approved with a render finish, as can be seen from the extract below, with the render indicated by no.3. In addition, the approved red brick plinth was approved across the entirety of the building:



Elevation to Feering Street (South West Facing)

3.4 As noted above, in determining NMA's the Authority must consider 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. Given the extent of the material changes across much of the building, it is considered that the proposals would result in a material change to the appearance of the building.

4. OTHER CONSIDERATIONS

4.1 *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.

4.2 *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.

4.3 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.

4.4 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.

4.5 *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.

4.6 *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.

5. CONCLUSION

5.1 The proposals represent a material change and conflict with the above considerations.

5.2 The application is refused.

6. DECISION

REFUSED

01 The proposed changes will result in a material change to the appearance of the building when compared with the approved details.

NOTE TO APPLICANT

01 This decision relates to plan Nos: 1660PL1-06G Proposed elevations, 1660 Planning Statement 8/9/26.

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.