

Delegated Decision Report

Application No:	25/0615	Statutory Period Expires:	29th August 2025
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Site:	<i>Land To The East And Adjacent To Telford Street Depot Telford Street Newport South Wales</i>		
Proposal:	<i>NON-MATERIAL AMENDMENT APPLICATION TO VARY CONDITION 18 (GROUND SOURCE HEAT PUMPS AND BROADBAND SCHEME DETAILS) OF 20/1138 PROPOSED CONSTRUCTION OF 54 NO. RESIDENTIAL UNITS, ACCESS, STOPPING UP OF HIGHWAY, ENGINEERING OPERATIONS, LANDSCAPING, DRAINAGE AND ASSOCIATED WORKS.</i>		
Applicant:	<i>Pobl Group</i>		
Type:	Non-Material Amendment	Ward:	Liswerry
Decision:	APPROVED & CONDITIONS		

1. BACKGROUND

- 1.1 Planning permission for the construction of 54no. residential units, access, stopping up of highway, engineering operations, landscaping, drainage and associated works was granted subject to conditions in January 2021 under application ref. 20/1138.
- 1.2 Condition 18 (Ground Source Heat Pumps and Broadband Scheme Details), pursuant to application ref.20/1138 reads as follows:

“A scheme for the provision of ground source heat pump(s) and a super fast broadband connection to each property prior to occupation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction and shall be implemented in accordance with the the approved details prior to the occupation of the dwelling it serves.

Reason: In the interests of sustainability and to ensure a digitally connected community in accordance with policy SP1 and Future Wales.”

2. SITE LOCATION AND CONTEXT

- 2.1 Land to the East and Adjacent to Telford Street received permission for a residential development adjacent to the existing residential estate known as Loftus Garden Village in 2021. The units comprise 14 flats and 40 houses, 18 of the proposed houses will be market units with the remaining flats and houses being affordable/social.
- 2.2 The site is 1.89 hectares and is currently under construction for the approved housing scheme and previously formed part of a larger industrial area. It is an urban brownfield site bounded by a single track road (Soho Street) and railway embankment to the north, the modern Phoenix Park employment site to the east, Loftus Garden Village to the south and a public right of way and Telford Depot (a housing allocation H1(63) to the west. The site is accessed via Telford Street. It is located within zone C1 for flood risk purposes.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The proposal includes a variation to the wording of Condition 18 (Ground Source Heat Pumps and Broadband Scheme Details). Condition 18 currently reads:

“A scheme for the provision of **ground** source heat pump(s) and a super fast broadband connection to each property prior to occupation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction and shall be implemented in accordance with the the approved details prior to the occupation of the dwelling it serves.

Reason: In the interests of sustainability and to ensure a digitally connected community in accordance with policy SP1 and Future Wales”

It is proposed to vary the wording so that the conditions reads:

“A scheme for the provision of **air** source heat pump(s) and a super fast broadband connection to each property prior to occupation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction and shall be implemented in accordance with the the approved details prior to the occupation of the dwelling it serves.

Reason: In the interests of sustainability and to ensure a digitally connected community in accordance with policy SP1 and Future Wales”

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
20/1138	PROPOSED CONSTRUCTION OF 54NO. RESIDENTIAL UNITS, ACCESS, STOPPING UP OF HIGHWAY, ENGINEERING OPERATIONS, LANDSCAPING, DRAINAGE AND ASSOCIATED WORKS	GRANTED WITH CONDITIONS	25.01.2021
24/0077	NON MATERIAL AMENDMENT APPLICATION TO VARY THE WORDING OF CONDITION 11 (ROOFTOP SOLAR ARRAY DETAILS), 12 (MECHANICAL VENTILATION DETAILS), 15 (EV CHARGING SCHEME), 16 (BOUNDARY TREATMENT DETAILS) AND 18 (GSHP AND BROADBAND SCHEME DETAILS) IN RESPECT OF 20/1138 PROPOSED CONSTRUCTION OF 54 NO. RESIDENTIAL UNITS,ACCESS,STOPPING UP OF HIGHWAY, ENGINEERING OPTIONS,LANDSCAPING,DRAINAGE AND ASSOCIATED WORKS. REVISED WORKING REQUIRED TO VARY FROM PRE-COMMENCEMENT TO PRE-CONSTRUCTION CONDITIONS	APPROVED WITH CONDITIONS	22.02.2024

5. PLANNING POLICY

5.1 NONE.

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

7.1 None

8. ASSESSMENT

8.1 Section 96A of the Town and Country Planning Act 1990 (as amended) allows a non-material amendment to be made to an existing planning permission, subject to the change conforming with the Welsh Government’s planning guidance on ‘Approving Non-material Amendments to an Existing Planning Permission’ (July 2014). This guidance states that in making such a decision on whether a change is considered material, a local planning authority may wish to consider the following tests:

(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?

It is, therefore, necessary to assess the proposed amendments against the four tests in turn

- 8.2 (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 proposed change will not cause an impact different to that caused by the originally approved development scheme. The proposed change will result in a minor alteration to the type of heat pump however full control over the details, design, and implementation of the condition will be retained. As such it is considered that the amendment will not significantly alter the host consent, nor the principle of the measures conditioned under the original permission.
- 8.3 (a)(ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?
The proposed changes would not result in a detrimental impact, either visually or in terms of local amenity. The proposal only relates to the alterations to the wording of the mentioned condition and will not result in any changes to the appearance of the development. As forementioned, control over the details, design, and implementation of the condition will be retained.
- 8.4 (b) would the interests of any third party or body be disadvantaged in planning terms;
No third party or body would be disadvantaged in planning terms. The proposed changes only relate to the alterations to the wording of the mentioned condition and as such there is no difference from the originally approved scheme in terms of the approved details.
- 8.5 (c) would the proposed change conflict with national or development plan policies?
Given the minor nature of the proposed amendment, there is no conflict with planning policy on any scale.

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 variation to the wording of Condition 18 (Ground Source Heat Pumps and Broadband Scheme Details) to change the requirement for the submission of a scheme for the provision of air source heat pump(s) as opposed to ground source heat pump(s) would be a non-material amendment to planning permission 20/1138.

11. DECISION

APPROVED & CONDITIONS

18 A scheme for the provision of air source heat pump(s) and a super fast broadband connection to each property prior to occupation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction and shall be implemented in accordance with the the approved details prior to the occupation of the dwelling it serves.

Reason: In the interests of sustainability and to ensure a digitally connected community in accordance with policy SP1 and Future Wales

NOTE TO APPLICANT

01 This decision relates to plan Nos: 1947-LP-01 - Site Location Plan, Covering Letter.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies 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.