

Delegated Decision Report

Application No:	25/0180	Statutory Period Expires:	22nd May 2025
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Site:	<i>Phase 4C Llanwern Works Queensway Llanwern Newport</i>		
Proposal:	<i>NON-MATERIAL AMENDMENT RELATING TO CONDITIONS 01 (APPROVED PLANS) AND 03 (SCHEME FOR PROVISION OF ULEZ CHARGING) OF RESERVED MATTERS APPLICATION 23/0622 FOR RESIDENTIAL DEVELOPMENT (PHASE 4C) CONSISTING OF 59NO DWELLINGS AND DISCHARGE OF VARIOUS CONDITIONS</i>		
Applicant:	St Modwen Homes		
Type:	Non-Material Amendment	Ward:	Llanwern
Decision:	Approved & Conditions		

1. BACKGROUND

- 1.1 Reserved Matters approval 23/0622 agreed the details of 59 dwellings on Phase 4C of the Glan Llyn Redevelopment Site. This Phase has not been commenced currently.

2. SITE LOCATION AND CONTEXT

- 2.1 See above.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This proposal seeks agreement for Non-Material Amendments to certain house types proposed for this phase.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision & Date
06/0471	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 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,	GC 01 April 2010

	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	
23/0622	RESERVED MATTERS APPLICATION (ALL MATTERS) FOR A RESIDENTIAL DEVELOPMENT (PHASE 4C) CONSISTING OF 59NO DWELLINGS INCLUDING DETAILS FOR THE PARTIAL DISCHARGE OF CONDITIONS 06 (RECREATION AREAS), CONDITION 08 (MATERIALS), 09 (HARD LANDSCAPING), 10 (BOUNDARY TREATMENTS), 11 (MANAGEMENT OF OPEN SPACE), 12 (PARKING), 15 (EMERGENCY ACCESS), 16 (ROADS, CYCLEWAYS AND FOOTWAYS), 18 (ROAD WORKS), 22 (STREET LIGHTING), 24 (SITE LEVELS), 33 (SURFACE WATER DRAINAGE), 34 (FOUL AND SURFACE WATER DRAINAGE) 35 (OIL INTERCEPTORS), 39 (CARBON REDUCTION AND SUSTAINABILITY) AND 43 (FIREFIGHTING ACCESS) OF PLANNING PERMISSION 06/0471 FOR THE REGENERATION OF THE FORMER LLANWERN STEELWORKS (GLAN LLYN)	AC 13 June 2024

5. PLANNING POLICY

5.1 Newport Local Development Plan (2011-2026)

GP6 - Design

5.4 Supplementary Planning Guidance

None.

6. CONSULTATION RESPONSES

6.1 NCC Landscaping: No objection.

6.2 NCC Highways: No objection.

7. PUBLIC REPRESENTATIONS

7.1 None.

8. ASSESSMENT

8.1 The changes the applicant is seeking are:

- Plot 5 – H2B758AS to H2B776AS plus consequential minor boundary changes
- Plot 6 – H2B758OPP to H2B776OPP plus consequential minor boundary changes
- Plot 7 – H2B758AS to H2B776AS plus consequential minor boundary changes
- Plot 8 – H2B758OPP to H2B776OPP plus consequential minor boundary changes
- Plots 9 & 10 – consequential minor boundary changes

- Minor external alterations to the elevations and window positions/sizes of the
 - Lawrence House type 777
 - Edwena House type 1021
 - Paris House type 1371
- Minor internal alterations to the remaining house types
- Rationalisation and straightening of landscaping hedging around the LAP in the southwest corner of the Phase.

8.2 The proposed housetype changes are:

House Type 758 (Nina) - Now House Type: 776 (Nina)

9630-2247 R9128-RLA-23-ZZ-DR-A-2247 - Housetype 776 Plans and Elevations

Sqft increased from 758ft2 to 777ft2

First floor window on the side elevation increased in width

House Type 777 (Lawrence)

9630-2231F R9128-RLA-23-ZZ-DR-A-2231 Housetype 777 Plans and Elevations

No internal changes

First floor window above the front door increased in width Windows on the side elevation increased in width

First floor window on the side elevation moved so it is above the water closet instead of washbasin

House Type 909 (Houghton)

9630-2245D R9128-RLA-23-ZZ-DR-A-2245 Housetype 909 Plans and Elevations

No internal or external changes

House Type 922V1 (Webster-Kea V1)

9630-2233F R9128-RLA-23-ZZ-DR-A-2233 Housetype 922V1 Plans and Elevations

No internal or external changes

House Type 934 (Thea)

9630-2235E R9128-RLA-23-ZZ-DR-A-2235 Housetype 934 Plans and Elevations

Roof vent tiles moved on front roof slope

Bathroom and en-suite windows increased in width

Dining room French doors moved slightly

Doors hinged other way House

Type 1021 (Edwena)

9630-2236E R9128-RLA-23-ZZ-DR-A-2236 Housetype 1021 Plans and Elevations

Bed 3 window size increased from 910mm to 1360mm

Kitchen layout amended

Door from hallway to kitchen removed

House Type 1371 V2 (Paris Dual Aspect)

9630-2241F R9128-RLA-23-ZZ-DR-A-2241 Housetype 1371V2 Plans and Elevations

Fitted wardrobes added to second floor House

Type 1454 (Garnet)

9630-2242E R9128-RLA-23-ZZ-DR-A-2242 Housetype 1454 Plans and Elevations

Bedroom 1 window amended

Type 852 (Lelia)

9630-2243D R9128-RLA-23-ZZ-DR-A-2243 Housetype AF852 Plans and Elevations

Overall square footage reduced to 852ft²

Bathroom window increased in width

Fitted wardrobes removed

Rear door increased in width

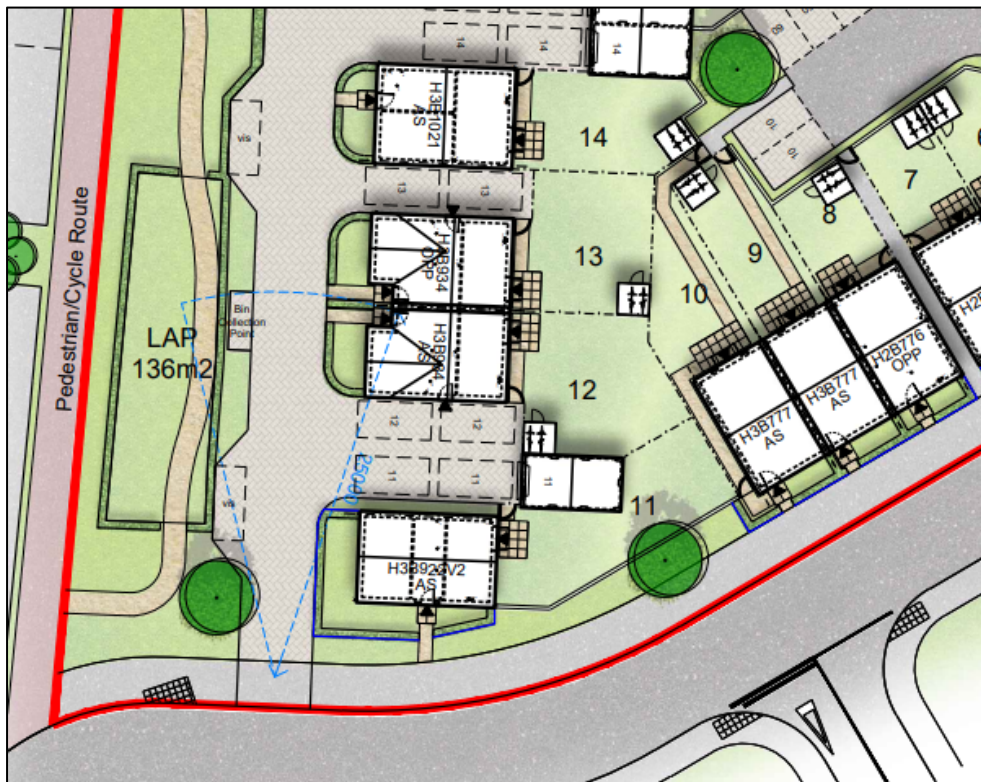
House Type 1001 (Gabiella)

9630-2244E R9128-RLA-23-ZZ-DR-A-2244 Housetype AF1001 Plans and Elevations

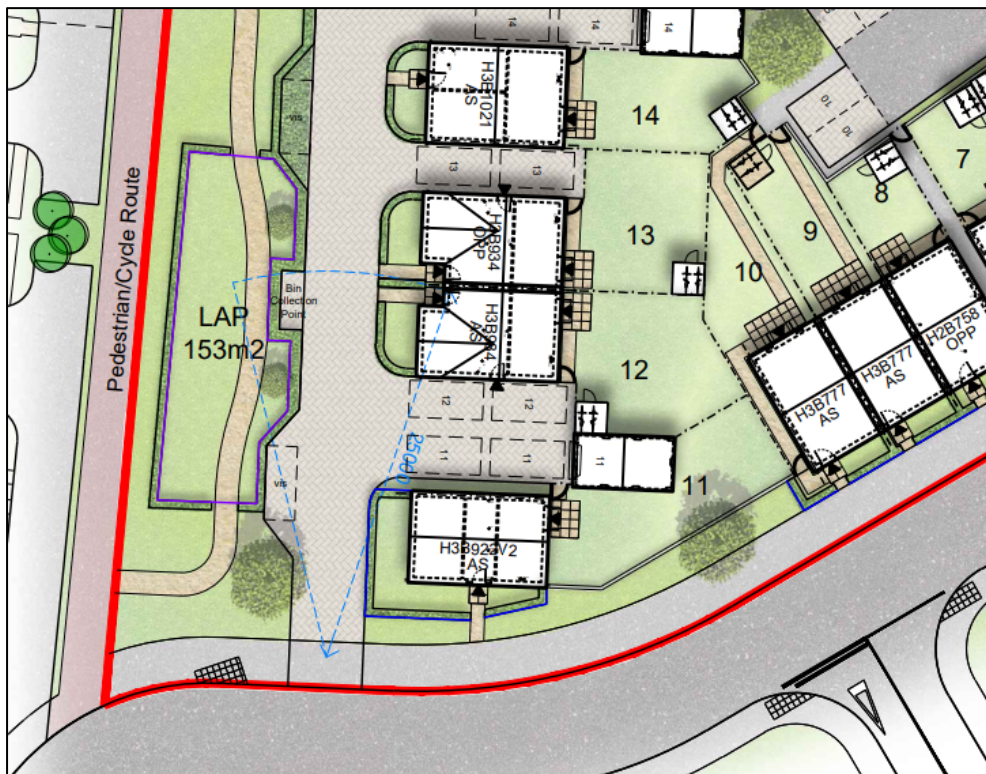
Fitted wardrobes removed

- 8.3 In terms of the house type substitutions from 758 to 766, these house types are very closely similar in appearance and the house type change is considered non-material with the key change appearing to be alterations in roof venting and nothing else that is readily identifiable. Although given a new house type identifier; both of these house types are called the 'Nina' and in reality this amounts to minor changes to a house type rather than a new house type.
- 8.4 In terms of Plots 9 & 10 the changes are not readily identifiable, see plan extracts below. The 'rationalisation' of the hedge line reduces the size of the proposed Local Area of Play (LAP) from 153m² to 136m², that is a 11% reduction from the original size. However the 'Playspace' SPG requires LAPs to have a minimum of 100m² of activity space so the reduction is not material in Policy terms and the necessary area of space remains available.

Drawing 2203 F



Drawing 2203 E



- 8.5 Condition 03 of approval 23/0622 relates to the provision of passive infrastructure for ULEV charging and reads as follows:

03 Prior to the construction of any formal parking provision identified in Drawing R9128 RLA 23 XX DR A 2209 E (garages, on-plot spaces, frontage parking or parking courts), a scheme for the passive provision of ULEV charging for the Phase shall be submitted to the Council in writing. Following the Council's written agreement the passive provision shall be provided prior to the first beneficial use of the parking which it serves.

Reason: to ensure the uptake of ULEV vehicles in the interests of wider sustainability. Policies SP1 and GP1.

- 8.6 The only change to this condition relates to the revised plan number which is now Revision F and that simply reflects the changes in house types that are proposed so updating the Plan No. referenced within the condition is clearly non-material.

- 8.7 Planning Guidance: Approving Non-Material Amendments to an Existing Planning Permission (July 2024) offers advice on approving NMAs. The relevant tests 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 tests that may be relevant. The advice also explains that any previously agreed NMAs may be taken into account when making an assessment of materiality i.e. endless creeping change to a permission would not be allowable, see Paragraph 2.6.

- 8.8 All of the proposed changes are considered to be non-material in the context of this advice.

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 non-material.

11. **DECISION**

Approved & Conditions

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

R9128 RLA 23 ZZ DR A 2220 F - Proposed Site Sections
 R9128 RLA 23 ZZ DR A 2222 E - Proposed Street Elevations
 R9128 RLA 23 ZZ DR A 2231 G - Housetype 777 Plans & Elevations
 R9128 RLA 23 ZZ DR A 2233 G - Housetype 922V1 Plans & Elevations
 R9128 RLA 23 ZZ DR A 2235 F - Housetype 934 Plans & Elevations
 R9128 RLA 23 ZZ DR A 2236 F - Housetype 1021 Plans & Elevations
 R9128 RLA 23 ZZ DR A 2241 G - Housetype 1371V2 Plans & Elevations
 R9128 RLA 23 ZZ DR A 2242 F - Housetype 1454 Plans & Elevations
 R9128 RLA 23 ZZ DR A 2243 E - Housetype AF852 Plans & Elevations
 R9128 RLA 23 ZZ DR A 2244 F - Housetype AF1001 Plans & Elevations
 R9128 RLA 23 ZZ DR A 2245 E - Housetype 909 Plans & Elevations

R9128 RLA 23 ZZ DR A 2247 A - Housetype 776 Plans & Elevations

R9128 RLA 23 XX DR A 2203 F – Proposed Site Layout

R9128 RLA 23 XX DR A 2204 F - Proposed Boundaries Plan

R9128 RLA 23 XX DR A 2205 F – Proposed Materials Plan

R9128 RLA 23 XX DR A 2206 F - Proposed Affordable Housing Plan

R9128 RLA 23 XX DR A 2207 F - Proposed Heights Plan

R9128 RLA 23 XX DR A 2209 F - Proposed Parking Strategy Plan

R9128 RLA 23 XX DR A 2213 F - Proposed Building Size Plan

R9128 RLA 23 XX DR A 2216 F – Proposed Phasing Plan

1562A9 LLA ZZ 00 DR L 0001 P10 – Landscape Masterplan

1562A9 LLA ZZ 00 DR L 0201 P11 – Detailed Planting Proposals Sheet 1 of 3

1562A9 LLA ZZ 00 DR L 0202 P10 – Detailed Planting Proposals Sheet 2 of 3

1562A9 LLA ZZ 00 DR L 0203 P12 – Detailed Planting Proposals Sheet 3 of 3

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 construction of any formal parking provision identified in Drawing R9128 RLA 23 XX DR A 2209 F (garages, on-plot spaces, frontage parking or parking courts), a scheme for the passive provision of ULEV charging for the Phase shall be submitted to the Council in writing. Following the Council's written agreement the passive provision shall be provided prior to the first beneficial use of the parking which it serves.

Reason: to ensure the uptake of ULEV vehicles in the interests of wider sustainability. Policies SP1 and GP1.

NOTE TO APPLICANT

01 This decision relates to the following unconditioned documents:

- Phase 4C House Type Changes Summary. Received 28.03.2025.
- Covering Letter – 07.03.2025

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policy GP6 was 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.