

# Delegated Decision Report

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|------------------------|----------------|----------------------------------|-----------------------|
| <b>Application No:</b> | <b>25/0071</b> | <b>Statutory Period Expires:</b> | <b>1st April 2025</b> |
|------------------------|----------------|----------------------------------|-----------------------|

|                   |                                                                                                                                                                                      |              |                    |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|--------------------|
| <b>Site:</b>      | <b>Area Of Constables Close Newport South Wales</b>                                                                                                                                  |              |                    |
| <b>Proposal:</b>  | <b>NMA APPLICATION TO VARIATION OF CONDITIONS 1 (APPROVED PLANS) 9 (SCHEME OF LANDSCAPING) AND CONDITION 12 (DRAINAGE) OF PLANNING CONSENT 20/0140 GRANTED ON 9TH SEPTEMBER 2021</b> |              |                    |
| <b>Applicant:</b> | <b>Linc-Cymru Housing Association</b>                                                                                                                                                |              |                    |
| <b>Type:</b>      | <b>Non-Material Amendment</b>                                                                                                                                                        | <b>Ward:</b> | <b>Pillgwenlly</b> |
| <b>Decision:</b>  | <b>APPROVED WITH CONDITIONS</b>                                                                                                                                                      |              |                    |

## 1. BACKGROUND

- 1.1 A previous consent, referenced 20/0140, granted the conversion of 8no. flats to 4no. dwellings including alterations to front and rear elevations, conversion of 2no. dwellings to 5no. supported accommodation flats including front, side and rear extensions. Conversion of 1no. dwelling to 2no. maisonettes. Demolition of 4no. units and replacement with open space and new access, rebuild of side elevations of affected dwellings, widening of rear gardens to 3no. dwellings and creation of courtyard, parking and landscaping.
- 1.2 The submitted non-material amendment application seeks to alter conditions 1, 9 and 12 of 20/0140. Those conditions relate to the approved plans list, landscaping scheme and drainage plan respectively.

## 2. SITE LOCATION AND CONTEXT

- 2.1 The site is located within the urban area close to local amenities and public transport links. The existing buildings are two storey and feature red brick and slate tile. The site is accessed from Clarence Street which links to the wider highway network.

## 3. DESCRIPTION OF DEVELOPMENT

- 3.1 The proposed amendments relate to the reorganisation of public and private amenity spaces. The proposed amendments affect the requirements of Conditions 01, 09 and 12 of application 20/0140 which seek to ensure development is carried out as shown on the approved plans.

## 4. RELEVANT SITE HISTORY

| <b>App Number</b> | <b>Proposal</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Decision</b>         | <b>Decision Date</b> |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|----------------------|
| 20/0140           | PROPOSED FULL PLANNING APPLICATION FOR CONVERSION OF PLOTS 21-28 FROM 8 NO. FLATS TO 4 NO. DWELLINGS, INCLUDING ALTERATIONS TO FRONT PORCH AND REAR FENESTRATION. CONVERSION OF PLOTS 1 AND 2 FROM DWELLINGS TO 5 NO. SUPPORTED ACCOMMODATION FLATS, INCLUDING FRONT, SIDE AND REAR EXTENSIONS. CONVERSION OF PLOT 3 FROM A DWELLING TO 2 NO. MAISONETTES. DEMOLITION OF PLOTS 15,16,29 AND 30 AND REPLACEMENT WITH OPEN SPACE AND NEW ACCESS, REBUILDING OF SIDE ELEVATIONS OF PLOTS 14,17 AND 31 WIDENING OF REAR GARDENS TO PLOTS 9,10 AND 34, CREATION OF COURTYARD PARKING AND LANDSCAPING | Granted with conditions | 09.09.2021           |

## **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**

### **5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)**

- SP1 – Sustainability
- SP4 -Water Resources
- SP18 – Urban Regeneration
- GP2 – General Amenity
- GP4 – Highways Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- T4 – Parking

### **5.4 SUPPLEMENTARY PLANNING GUIDANCE**

- Wildlife and Development
- New Dwellings
- Flat Conversions
- Waste Storage and Collection
- Parking Standards

## **6. CONSULTATION RESPONSES**

### **6.1 Natural Resources Wales: When we were consulted on the original planning application 20/0140 (our letter dated 10 June 2021, reference: CAS-152492-Q7L6), our response was in relation to flood risk.**

We have reviewed the documents associated with this application.

- Condition 12 (Drainage), we did not ask for this condition, therefore we have no comments to make.
- Conditions 1 (approved plans) and 9 (scheme of landscaping), there is no technical flood information for us to review and there is no new flood data for us to provide feedback on, therefore we have no comments to make.

### **6.2 SAB: No response.**

### **6.3 Dwr Cymru/Welsh Water: no objection.**

### **6.4 Landscape Officer:**

## AMENDMENTS INCLUDE THE PROVISION OF A COMMUNITY GARDEN

The Landscape Strategy and Landscape Planting Plan have been revised (both now rev P07) to include SUDs planting.

It is not clear why the previous areas of public open space to the south of the community garden has now been planted, removing sitting/play use. I assume the required level of public play/open space provision can still be met?

Regarding the community garden - most public spaces include two gates to reduce the risk of bullying.



Rev 06



Rev 07

### 7. PUBLIC REPRESENTATIONS

The application was not advertised.

### 8. ASSESSMENT

8.1 In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change. When assessing and determining whether or not a proposed change would qualify as a non-material amendment, the following tests are applied as a starting point:

- Is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme?
- Would the proposed change result in a detrimental impact either visually or in terms of local amenity?
- Would the interests of any third party or body be disadvantaged in planning terms?
- Would the proposed change conflict with national or development plan policies?

8.2 The alterations proposed to the site layout are;

- Minor alterations to rear gardens of plots 21, 23, 25, and 27.
- Alterations to rear boundaries of plots 17, 18, 19 and 20.
- Alterations to rear gardens of plots 35, 34, 33, 32 and 31.
- Reduction in rear gardens of plots 9 and 10.
- Creation of public open space north of plots 9 and 10.
- Associated alterations regarding kerbing and drainage runs.

8.3 The scale of the proposed changes are not great enough to cause a different impact than that caused by original scheme, in terms of number of residential properties, vehicles access, and parking provision.

- 8.4 The proposed community garden will open up views through the site which is considered to positively contribute toward placemaking.
- 8.5 The reorganisation of the site layout would result in the reduction of private amenity spaces associated with Plots 9, 10 and 34. Plots 9 and 10 would have a private rear amenity space size similar to that of other dwellings of the same type, for example Plots 7 and 8. As such, it is considered the amenity space afforded to Plots 9 and 10 is acceptable and would not harm the amenity of any third parties.
- 8.6 Turning to Plot 34, the private amenity space provision is being reduced from 84sqm to 45.7sqm. The resultant amenity space for Plot 34 would be similar to that of Plot 32 – this is considered comparable due to it being the same dwelling type on the same row of terraced properties. The previous application concluded that the scale of rear amenity space for Plot 32 was acceptable; as such, the amendment to the rear amenity space of Plot 34 would not disadvantage any third party.
- 8.7 The Landscape Architects comments highlight the amount of public open space provision serving the site; the amended layout increases the amount of public open space provision, therefore the amendment would not disadvantage national or local policies.
- 8.8 The proposed amendments would not result in an adverse impact on the interests of any third party and remains to accord with relevant national and local policies. Therefore, the proposal are considered to be non-material.
- 8.9 The SAB Officer and Welsh Water have been consulted regarding the amendments to the drainage scheme. The amendment includes additional raingardens adjacent Plots 4, 5, 6 and 7, use of permeable paving on the visitors parking spaces and plot 18 parking space, additional surface water drainage run under access path to rear of Plot 20. The foul drainage runs are to remain as per previously approved drawings. No objections have been received regarding these alterations, therefore it is considered that the drainage scheme is acceptable and accords with the non-material amendment tests.

## **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 proposal is considered non-material, therefore the proposal is hereby approved.

## **11. DECISION**

### **APPROVED WITH CONDITIONS**

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

- Landscape Planting Plan (Drawing ref: TTE-00-00-DR-L-0101 Rev P07)
- Landscape Strategy (Drawing ref: TTE-00-00-DR-L-0100 Rev P07)
- Kerb and Pavement Construction (Drawing ref: CC2004 CAM ZZ 00 GA C 90 0102 Rev P10)
- External Levels (Drawing ref: CC2004 CAM ZZ 00 GA C 90 0101 Rev P08)
- Drainage Strategy (Drawing ref: CC2004 CAM ZZ 00 GA C 52 1101 Rev P12)
- Location Plan (Drawing ref: 19/536/001 Rev C)
- Site Layout & Boundary Details (Drawing ref: LT2308.90.01 Rev C12)

02 The scheme of landscaping hereby approved shown on drawing ref Landscape Planting Plan (Drawing ref: TTE-00-00-DR-L-0101 Rev P07) and Landscape Strategy (Drawing ref: TTE-00-00-DR-L-0100 Rev P07) shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of the development. Thereafter the trees and shrubs shall be maintained for a period of 5 years from the date of planting and any which die or are damaged shall be replaced and maintained until satisfactorily established. For the purpose of this condition, a full planting season shall mean the period from October to April.

Reason: To secure the satisfactory implementation of the proposal in accordance with Policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

03 Prior to the occupation of the development, the foul and surface drainage scheme shall be carried out in accordance with the approved drainage scheme set out in the submitted CC2004-CAM-ZZXX-RP-C-0001A - FCA Addendum, CC2004-CAM-ZZ-XX- RP-C-00-0001 P04 FCA and Drainage Strategy, CC2004-CAM-ZZ-XX-RP-C-00-0002 Flood Action, Drainage Strategy (Drawing ref: CC2004 CAM ZZ 00 GA C 52 1101 Rev P12) and Emergency Plan.

REASON: To ensure adequate drainage is provided in accordance with Policy SP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

*NOTE TO APPLICANT*

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP4, SP18, GP2, GP4, GP5, GP6 and T4 were relevant to the determination of this application.

02 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.