

# Notice of Decision



R Mackin  
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BS32 4QL

## SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990 [as amended]

Application No: **23/0797**

Application Type: **Non-Material Amendment**

Proposal: **NON MATERIAL AMENDMENT APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) IN RESPECT OF 18/0293 DEVELOPMENT OF 195 NO. RESIDENTIAL UNITS, INTERNAL ROAD NETWORKS,PARKING, LANDSCAPING AND ASSOCIATED WORKS AFFECTING PUBLIC RIGHT OF WAY 407/1. AMENDMENTS INCLUDE CHANGES TO LOCATION OF BIN AND CYCLE STORES AND LANDSCAPING/HIGHWAYS LAYOUT**

Site/Location: **Land To South Of Glan Usk Primary School, Herbert Road, Newport, South Wales, ,**

Decision Date: **23rd November 2023**

In pursuance of its powers under the above Act the Council of the City of Newport notifies you of its decision in respect of your application, registered by them on 15th September 2023. The application has been:-

### **Part-Approved with conditions/ Part Refused**

#### **Approved insofar as the decision relates to:**

- Relocation of Bike store to apartment block plots 161-166,
- Relocation of traffic calming ramp between plots 124 & 179,

#### *Additional conditions:*

- 01) The non-materially amended development shall be carried out in accordance with the following plans so far as they apply to the above works:
  - Drawing 1839 PRL-01 S – Production Layout

#### **Refused insofar as the decision relates to:**

- Relocation of bike & bin store to apartment block plots 138-143,
- Omission of grass strips between driveways and paths between plots 123-126, 136-135, 157-160, 186 &193.

#### *Reason for refusal:*

- 01) The above changes fail the relevant tests for non-materiality and are considered to be more than non-material.

NOTE TO APPLICANT

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This decision must be read in conjunction with planning permission 18/0293 and the development shall be carried out fully in accordance with the proposals shown in the application and in the plans and particulars accompanying such application as varied and amended by this permission.

The plans have been assessed on the basis of the scale or dimensions stipulated and any statement of 'do not scale' (or similar) has been disregarded.

01 This decision relates to plan Nos:

- Drawing 1839 PRL-01 S – Production Layout (annotated)
- Drawing 1839 PRL-01 S – Production Layout
- Drawing 3073 (04) 001 B – Site Location

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4 & GP6 were relevant to the determination of this application.

03 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.

04 It is considered that the decision has been made in conformity with the Marine Policy Statement (2011) and in accordance with marine national planning policy contained within the Welsh National Marine Plan (2019) as demonstrated in the assessment of this proposal.

05 This decision should be read in conjunction with that for Permission 18/0293 since conditions and the legal agreement that form part of that permission remain relevant and enforceable in relation to the proposal non-materially amended in this decision.

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Signed on behalf of the Council



Newport City Council  
Regeneration, Investment and Housing  
Civic Centre  
Newport  
South Wales  
NP20 4UR

**Tracey Brooks Bsc Hons Dip TP MRTPI ILM**  
**Pennaeth Adfywio a Datblygu Economaidd / Head of Regeneration and Economic Development**  
**Cyngor Dinas Casnewydd / Newport City Council**

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**IMPORTANT! PLEASE READ THE NOTES ON THE REVERSE OF THIS FORM**

# Notes for Applicants

## TOWN AND COUNTRY PLANNING ACT 1990

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- Appeals can be made online at: <http://www.gov.wales/planningappeal> (or <https://llyw.cymru/apelio-yn-erbyn-penderfyniad-cynllunio>).  
If you are unable to access the online appeal form, please contact Planning and Environment Decisions Wales to obtain a paper copy of the appeal form on tel: 0300 0604400.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning and Environment Decisions Wales ([PEDW.Casework@gov.wales](mailto:PEDW.Casework@gov.wales)) at least 10 days before submitting the appeal. Further information is available on <https://gov.wales/appeal-planning-decision>.