

Delegated Decision Report

Application No:	26/0138	Statutory Period Expires:	19th March 2026
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Site:	1 Stanley Road Newport NP20 4NT		
Proposal:	NON-MATERIAL AMENDMENT RELATING TO THE EXTERNAL FINISH OF DETAILS AS APPROVED BY PLANNING CONSENT 24/0264		
Applicant:	J Page		
Type:	Non-Material Amendment	Ward:	Allt-yr-Yn
Decision:	REFUSED		

1. BACKGROUND

- 1.1 The previous consent (24/0264) permitted the change of use of the building to a C2 residential institution; it is noted that the consented scheme related to 1 and 3 Stanley Road. The proposed amendments relate to 1 and 3 Stanley Road. A key consideration in the assessment of the application was heritage impact and the impact upon the setting of a nearby listed building.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is located within the urban boundary adjacent to the Grade II listed Newport Magistrates Court, Grade II listed entrance gates to the Magistrates Court and the Grade II listed Shire Hall. The topography declines steeply from north to south; the existing building is 4 storeys, taking advantage of the topography.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The non-material amendment application seeks to alter:
- Substitute painted timber fascias and soffit and aluminium rainwater goods to uPVC.
 - Substitute timber sash windows to uPVC casement windows (W31, W32, W33, W42, W43, W44)
 - Omission of arched window heads on Lower Ground Floor and Ground Floor bay window to No.1 Stanley Road. Reason: bay window to be extensively re-built due to poor structural condition and re construction to match bay window to No.3.
 - Rationalisation of external door styles – XD3 & XD4 to be four panel doors and XD1 and BD4 to be six panel doors. Reason: for visual coherence.
 - Omission of external electric meters on rear elevation. Reason: to be located internally instead.
 - Omission of window surround to W27. Reason: Window surround and brickwork around in very poor structural condition and will be covered by external wall insulation.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
24/0264	CONVERSION AND CHANGE OF USE OF 2NO. SEMI-DETACHED PROPERTIES FROM C3 (DWELLINGHOUSES) TO C2 (RESIDENTIAL INSTITUTIONS) INCLUDING EXTERNAL ALTERNATIONS TO PROVIDE 6NO. MOVE ON APARTMENTS AND ANCILLARY COMMUNAL SPACES	Granted with conditions	25.10.2024

5. PLANNING POLICY

- 5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040
- 5.2 PLANNING POLICY WALES (EDITION 12) 2024

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- SP1 – Sustainability
- SP9 – Conservation of the Natural, Historic and Built Environment
- GP2 – General Amenity
- GP6 – Quality of Design

5.4 Welsh Government Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission (July 2024)

5.5 Town and Country Planning Act 1990 – Section 314A

5.6 The Historic Environment (Wales) Act 2023

5.7 Technical Advice Note 24: The Historic Environment

6. CONSULTATION RESPONSES

6.1 Principal Heritage Officer:

Regarding setting impact, our response to 24/0264 reported the following:

Located to the north of the application site lies the Grade II listed Newport Magistrates Court, due to the topography of the area the listed building is located at an elevated position when compared to the application site. The separation distance between the application site and the listed building is approximately 23metres. The application site features mature hedges to the front boundary partially screening the site. The proposal includes minimal alterations to the external elevations resulting from the rearrangement of the fenestration. The use proposed aligns with a general residential use as per the existing use. The car port located to the south of the site would not be in any prominent view of the listed building. The Principal Heritage Officer has raised no objection to the scheme therefore it is considered that the proposal would not harm the setting of the listed building in accordance with Sec. 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy SP9 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

I would extend this potential for setting impact to include all three GII Listed assets within the vicinity:

- Shire Hall (including Queen's Chambers) (Cadw ref: 20528)
- Newport Magistrates Court (Cadw ref: 3033)
- Entrance gates to Newport Magistrates Court (Cadw ref: 22334). This listing extends to the attached boundary wall which encompasses the asset to the north, east and south.

As identified within their respective list entries, there is a particularly strong contextual connection between the Magistrates Court and Shire Hall, the former identified as being located “strikingly situated on the W side of Pentonville opposite the Shire Hall and Queen’s Chambers ” and the latter “prominently situated on the N side of Pentonville opposite the Magistrates’ Court.”

Including the ornate wrought iron gates to the foreground of the Court building, views of this striking asset group are best appreciated from the east, as one climbs Mill Street onto Pentonville. Here, the gates (and associated boundary wall) focus views towards the principal Magistrates Court elevation wherein its impressive Edwardian civic character can be best appreciated, as it stands prominent upon the junction with Gold Tops. Within the same view, Shire Hall and Queen’s Chambers frame the northern side of Pentonville Road; its long frontage, narrow set-back and considerable height defining the character of the street and providing a commanding presence, before Fields Road returns to a more domestic scale further to the west. This visual interconnection makes a clear contribution towards their significance, as their proximity reflects historic functional relationships between judicial and administrative roles,

to form a civic ensemble which embodies the historic development of Newport's municipal administration and bolsters their group value.

This group setting is also appreciable as the viewer climbs Stanley Road from the south; the visually interconnected assets terminating the northerly view as they crown this steep stretch of road. This aspect also makes a very positive contribution towards their significance. This view is framed to the west by the distinctly Italianate domestic form of no. 1 Stanley Road, which stands in counterpoint to the civic group and is also very prominent by virtue of its scale, which is exacerbated by the local topography to give a towering southern elevation. Whilst it is agreed that there is some separation by means of distance, the building in question forms a distinct part of the high -quality view from this southern aspect, and it is considered that any further harmful alteration to its already somewhat diminished character will serve only to detract from the setting of the Grade II Listed assets. Upon that basis, loss of the surviving sash windows to the prominent upper level s of the western elevation (identified as W31, W32, W42) and the towering southern elevation (identified as W33, W43 and W44) will result in harm to the setting of the listed group.

Similarly, no. 1 Stanley Road also forms a distinctive backdrop to the Magistrates Court within views from Shire Hall towards the south. Omission of window surround to W27 will result in the gradual but perceptible degradation of visual interest within this particular view, also resulting in harm.

By extension, substitution of painted timber fascias and soffits to uPVC and aluminium rainwater goods to uPVC will further degrade the character and interest of the building in question, resulting in harm to the setting of the abovementioned assets.

7. PUBLIC REPRESENTATIONS

The application was not advertised; no comments received.

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. The planning guidance document *Approving Non-material Amendments to an Existing Planning Permission (July 2024)* sets out that 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 proposed amendments to the external doors and repositioning of electricity meters are considered to not result in any adverse impact upon the setting of Listed Buildings or the application site itself; no objection from the Principal Heritage Officer has been raised on these aspects. Therefore, these aspects are considered to be *non-material amendments*.
- 8.3 The Principal Heritage Officer has provided a detailed response identifying the special features of the Grade II listed assets near the application site, and the contribution that the application site has to the wider setting of the Grade II listed assets. As such, significant weight is given to the materials used on the development site to ensure that the statutory duties for the preservation or enhancement of heritage assets are met. This is consistent with the approach taken during the assessment of the original application.
- 8.4 The proposed substitution of painted timber fascias, soffits, aluminium rainwater goods and timber sash windows to uPVC is considered to result in a proposed change which is great

enough to result in an adverse impact upon the setting of the nearby Grade II listed assets when compared to the originally approved scheme. Also, the proposed use of uPVC would have a detrimental effect on visual amenity due to the material not integrating with the existing period features of the building.

- 8.5 Regarding W27, it is noted that this is likely to have been an infill window hence the current appearance. The lower section is not in the public view but would be visible to those entering and exiting the building. From a public vantage point, the loss of the header is considered to reduce the visual interest on this elevation as noted by the Principal Heritage Officer which would result in harm upon the wider setting of the nearby Grade II listed buildings.
- 8.6 The proposed material substitutions and amendment to W27 are contrary to the Local Planning Authorities duty to have special regard to the preservation of the setting of listed buildings contrary to Section 314A of the Town and Country Planning Act 1990 and would result in an adverse impact upon the character and appearance of the building itself further contrary to Policies SP9, GP2 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Therefore, the application fails the non-material amendment tests as outlined within the planning guidance document *Approving Non-material Amendments to an Existing Planning Permission* (July 2024).

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 proposals relating to the external doors and electric meters are considered acceptable changes; however, the amendments relating to windows, fascias, soffits and rainwater goods are considered to result in an unacceptable impact firstly upon the setting of nearby listed buildings and the application site itself contrary to national and local planning policy. Accordingly the proposed changes are deemed to have an unacceptable and material change to the scheme as previously consented.

11. DECISION

Refuse, for the following reason(s):

01 The proposed changes are material due to their scale being great enough to result in a different impact upon the wider character and appearance of the area and setting of the Grade II listed buildings, detrimental to visual amenity and contrary to Section 314A of the Town and Country Planning Act 1990 and Policy SP9, GP2 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- Site Location Plan (Received: 20.02.2026)
- Proposed Elevations (Drawing ref: 4028-PEN-ZZ-XX-DR-A-3004-D2-P8)
- Proposed Elevations (Drawing ref: 028-PEN-ZZ-XX-DR-A-3004-B1-C5)
- NMA Cover Letter (Received: 20.02.2026)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP9, GP2 and 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.