

Delegated Decision Report

Application No:	26/0451	Statutory Period Expires:	13th July 2026
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Site:	<i>Land Encompassing Long Meadow Court Long Meadow Court Newport South Wales</i>		
Proposal:	<i>NMA APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF 21/1068 S73 APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) TO ACCOMMODATE 5.5M DRAINAGE EASEMENT IN NORTH WEST BOUNDARY IN RESPECT OF PLANNING PERMISSION 19/0768 FOR DEMOLITION OF EXISTING VACANT PROPERTIES, PROPOSED RESIDENTIAL DEVELOPMENT OF 35 UNITS AND ASSOCIATED WORKS. AMENDMENTS INCLUDE CHANGES TO BOUNDARY TREATMENTS</i>		
Applicant:	Hale Construction C/o Agent		
Type:	Non-Material Amendment	Ward:	Liswerry
Decision:	APPROVED AND CONDITIONS		

1. BACKGROUND

1.1 None.

2. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
21/1068	S73 APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) TO ACCOMMODATE 5.5M DRAINAGE EASEMENT IN NORTH WEST BOUNDARY IN RESPECT OF PLANNING PERMISSION 19/0768 FOR DEMOLITION OF EXISTING VACANT PROPERTIES, PROPOSED RESIDENTIAL DEVELOPMENT OF 35 UNITS AND ASSOCIATED WORKS	GRANTED WITH CONDITIONS	2/10/2023
19/0768	DEMOLITION OF EXISTING VACANT PROPERTIES, PROPOSED RESIDENTIAL DEVELOPMENT OF 35NO. UNITS AND ASSOCIATED WORKS	GRANTED WITH CONDITIONS SUBJECT TO S.106	14/01/2020

3. ASSESSMENT

The application seeks approval for a non-material amendment to the above planning permission (21/1068). The changes relate to boundary treatments and comprise the addition of ball-top metal railings of 1100mm height to enclose the bio-retention areas and dwarf walls. The applicant advises that the need for this has arisen as a necessity from the perspective of fall protection. There is a Building Control requirement for this height of boundary treatment.

3.1 Section 96A of the Town and Country Planning Act 1990 allows a non-material amendment to be made to an existing planning permission. Whilst there is no statutory definition of a 'non-material amendment', the Authority must consider;

1. the scale of the proposed changes and whether they are great enough to cause an impact different to that caused by the original approved development, and whether that change would have a detrimental impact either visually or in terms of local amenity;

2. whether any third party or body would be disadvantaged in planning terms; and
3. if the proposed change conflicts with national or development plans policies.

3. The proposals are not considered to result in conflict with any of the above considerations given the low height and nature of the enclosure. No third party is disadvantaged, and the proposal does not conflict with development plan policies.

4. OTHER CONSIDERATIONS

4.1 *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.

4.2 *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.

4.3 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.

- 4.4 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.

4.5 *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.

4.6 *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.

5. CONCLUSION

- 5.1 The proposed changes would not conflict with the relevant considerations and are considered to be non-material.

- 7.2 The application is approved with conditions.

5. DECISION

APPROVED AND CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: 3924-PEN-ZZ-ZZ-DR-A-1002-CR-C4, 3924-PEN-ZZ-ZZ-DR-A-1300-CR-C4.
Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

NOTE TO APPLICANT

01 This decision relates to plan Nos: 3924-PEN-ZZ-ZZ-DR-A-1002-CR-C4, 3924-PEN-ZZ-ZZ-DR-A-1300-CR-C4.

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 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.