

Delegated Decision Report

Application No:	26/0324	Statutory Period Expires:	25th May 2026
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Site:	NEUHAUS Usk Way Newport South Wales		
Proposal:	NON MATERIAL AMENDMENT (VARY APPROVED PLANS CONDITION) OF 08/0228 VARIATION OF CONDITION 01(NOISE ASSESSMENT) AND 22 (MATERIALS) OF PLANNING PERMISSION 05/1644 FOR RESIDENTIAL DEVELOPMENT COMPRISING 154 APARTMENTS (INCLUDING 15NO. AFFORDABLE DWELLINGS)WITH ASSOCIATED CAR PARKING, LANDSCAPE WORKS AND ERECTION OF 1NO. COMMERCIAL (A3) UNIT		
Applicant:	L Stokes		
Type:	Non-Material Amendment	Ward:	Pillgwenlly
Decision:	APPROVED WITH CONDITIONS		

1. BACKGROUND

- 1.1 Planning permission (05/1644) for residential redevelopment for comprising 154 apartments (including 15no. affordable dwellings) in 3 blocks, with associated car parking, landscape works and erection of 1no. commercial (A3) unit.
- 1.2 A S.73 application (08/0228) was subsequently submitted and approved to vary Condition 01 and 22.
- 1.3 Blocks 1 and 2 have been constructed and are occupied, and Block 3 has not been constructed.
- 1.4 A recent Non Material Amendment (26/0164) was approved to add an approved plans condition to the 08/0228 planning permission.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site is located between Usk Way/East Dock Road and the River Usk and comprises of a parcel of land measuring 1.33ha.
- 2.2 Block 1 is located south of the site in an L shape and is set over 3 stories and Block 2 is located centrally and contains an A3 unit at ground floor with 4 residential stories above. Block 3 remains undeveloped and would be located to the north, reaching 6 stories.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The proposed NMA is seeking three changes to Block 3, which has remained undeveloped, of the planning permission approved under 08/0228, as summarised below;

Change 1 – Window openings reduced/repositioned;

This change is advised to be required to comply with new Building Regulations, including revised fire safety provisions and ventilation strategy requirements.

Internal layouts have been updated to meet WDQR standards

Balcony openings have been rationalised to support Hedyn's preferred maintenance strategy, minimising opportunities for storage of combustible items and improving separation distances between internal accommodation and external amenity space.

Change 2 – Stair core positions amended, new stair added in southern wing;

Required to comply with updated Building Regulations Part B, including changes to permitted travel distances, protected route requirements, and the need for clearer evacuation pathways. The previous arrangement is advised not to meet current standards.

Change 3 – Reduction of the corridors on each floor of the eastern elevation of the eastern wing

The corridors on the eastern elevation of the eastern wing have been reduced to be in line with the edge of the north facing balcony.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
05/1644	RESIDENTIAL DEVELOPMENT COMPRISING 154NO. APARTMENTS (INCLUDING 15NO. AFFORDABLE DWELLINGS) WITH ASSOCIATED CAR PARKING, LANDSCAPE WORKS AND ERECTION OF 1NO. COMMERCIAL (A3) UNIT	GRANTED WITH CONDITIONS	09.11.2007
08/0228	VARIATION OF CONDITION 01(NOISE ASSESSMENT) AND 22 (MATERIALS) OF PLANNING PERMISSION 05/1644 FOR RESIDENTIAL DEVELOPMENT COMPRISING 154 APARTMENTS (INCLUDING 15NO. AFFORDABLE DWELLINGS)WITH ASSOCIATED CAR PARKING, LANDSCAPE WORKS AND ERECTION OF 1NO. COMMERCIAL (A3) UNIT	GRANTED WITH CONDITIONS	08.02.2010
26/0164	NON MATERIAL AMENDMENT (TO INCLUDE APPROVED PLANS CONDITION) TO 08/0228 VARIATION OF CONDITION 01(NOISE ASSESSMENT) AND 22 (MATERIALS) OF PLANNING PERMISSION 05/1644 FOR RESIDENTIAL DEVELOPMENT COMPRISING 154 APARTMENTS (INCLUDING 15NO. AFFORDABLE DWELLINGS)WITH ASSOCIATED CAR PARKING, LANDSCAPE WORKS AND ERECTION OF 1NO. COMMERCIAL (A3) UNIT	APPROVED & CONDITIONS	09.04.2026

5. PLANNING POLICY

5.1 Section 96a of the Town and Country Planning Act 1990

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales:

6.2 Local Highways Authority:

7. PUBLIC REPRESENTATIONS

N/A

8. ASSESSMENT

8.1 There is no statutory definition of what constitutes a non-material amendment as this will be dependent on a number of factors such as the scale of the proposed changes, context of the site and site specific circumstances. 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 contained within Welsh Government Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission 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 external changes to the building that are proposed relate to the reduction in size of openings to the recessed balconies and repositioning of windows across the elevations. At the eastern elevation the corridors have been reduced so that the façade is brought in line with the edge of the south facing balconies, as opposed to the north facing balconies.
- 8.3 Whilst these proposed changes will result in visual changes to the elevations of Block 3, they are not considered to be of such a scale that would result in a different impact to that caused by the originally approved development, and would not result in any detrimental impact either visually or in terms of local amenity. Neither is it considered that any third party or body would be disadvantaged in planning terms and there is not conflict with national or local development plan policies.
- 8.4 Turning to the internal changes that are proposed to the approved layout, these are advised to be made in response to the Welsh Development Quality Requirements 2021, which postdate the original approval. These include larger minimum floor areas, revised internal circulation standards including stair core positions and a new staircase within the southern wing. These changes would not be viewed externally or considered great enough to cause an impact different to that caused by the original approval, would not result in a detrimental impact either visually or in terms of local amenity, would not disadvantage any third party or body and would not conflict with national or development plan policies.
- 8.5 Overall, it is considered that the proposed amendments would be a non material amendment to the approved planning permission.

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 Overall, it is considered that the proposed changes comply with the aforementioned tests and a non material amendment to planning permission 08/0228.

10.2 The application is approved with conditions.

11. DECISION

APPROVED WITH CONDITIONS

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

N258-P002 - Site Plan;
N258-P003 - Lower Ground Floor Plan;
N258-P004 - Ground Floor Plan;
N258-P005 - First Floor Plan -;
N258-P006 - Second Floor Plan;
N258-P007 - Third Floor Plan;
N258-P008 - Fourth Floor Plan;
N258-P009 - Roof Plan;
N258-P010 - Elevations - South West Elevation North East Elevation;
N258-P011 - Elevations - North West Elevation South East Elevation;
N258-P012 - Sections - South East Section E-E North West Section F-F;
N258-P013 - Sections - North East Section A-A South West Section B-B;
N258-P014 - Sections - North East Section C-C North West Section D-D;
N258-P015 - Sections - South East Section G-G

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: Site Location Plan; NMA Cover Letter - Proposed Changes.

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.

04 The Non Material Amendment hereby approved relates solely to the changes as described in the Asbri Planning Covering Letter Ref 25.2512 (15/04/2026). Any other

changes that may be shown on the submitted plans are not approved as part of this application.