

## APPLICATION DETAILS

No: 19/0331 Ward: ST JULIANS

Type: NON-MATERIAL AMENDMENT

Expiry Date: 23-JULY-2019

Applicant: ENGIE

Site: LAND TO SOUTH OF GLAN USK PRIMARY SCHOOL, HERBERT ROAD, NEWPORT

Proposal: NON MATERIAL AMENDMENT TO PLANNING PERMISSION 18/0293 FOR DEVELOPMENT OF 195NO. RESIDENTIAL UNITS AND ASSOCIATED WORKS FOR CHANGES TO WINDOWS, TO HOUSE TYPES K, L, C & D AND FLOOR LAYOUT CHANGES TO HOUSE TYPE C & D

### DECISION: APPROVED WITH CONDITIONS

#### 1. CONSULTATIONS

1.1 None.

#### 2. INTERNAL COUNCIL ADVICE

2.1 None.

#### 3. REPRESENTATIONS

3.1 None.

#### 4. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
13/1279	DEVELOPMENT OF 251 DWELLINGS AND ASSOCIATED WORKS INCLUDING BOUNDARY TREATMENTS, RETAINING WALLS, VEHICULAR ACCESS, PARKING, PATHWAYS AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 407/1	GC 11 August 2015
18/0293	DEVELOPMENT OF 195NO. RESIDENTIAL UNITS, INTERNAL ROAD NETWORKS, PARKING, LANDSCAPING AND ASSOCIATED WORKS AFFECTING PUBLIC RIGHT OF WAY 407/1	GC 19 December 2018

#### 5. ASSESSMENT

5.1 The applicant is seeking to make changes in the design of several of the approved house types granted permission under permission 18/0293. The affected house types are K, L1 (terrace) and Type C & D which is a semi-detached unit. Changes are proposed to the upstairs floorplan of Type C & D which necessitated the change in design by reducing the height of upstairs windows in the 'rear' elevation to allow a bed to back onto that wall. The proposed changes are shown in the table below. The table does not show all the agreed combinations of materials for each house type since these are not proposed to change. The external changes will be in the pattern of fenestration only which is illustrated in the examples shown in the table.

Type	As approved 18/0293	As proposed 19/0331
K (Not all approved materials shown)	 <i>Front Elevation</i>	 <i>Front Elevation</i>
L1 (terrace) (Not all approved materials shown)	 <i>Rear Elevation</i> <b>Elevations - Type.1 (Plots 01-12 &amp; 25-36)</b> House Type 'L1'	 <i>Rear Elevation</i> <b>Elevations - Type.1 (Plots 01-12 &amp; 25-36)</b> House Type 'L1'
C&D (Not all approved materials shown)	 <i>Rear Elevation</i>	 <i>Rear Elevation</i>
C&D 1 <sup>st</sup> Floor Plan		 HOUSE TYPE D      HOUSE TYPE C First Floor

5.2 The relevant tests for non-materiality are found at Paragraph 2.6 of Welsh Government Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission (July 2014). They are:

- (a)(i) is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme; and,  
(a)(ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?  
(b) would the interests of any third party or body be disadvantaged in planning terms; or,  
(c) would the proposed change conflict with national or development plan policies?

And whether there are any other considerations that are relevant to the application.

- 5.3 The scale of the development will not change with the changes proposed being internal or slight changes to the external appearance of the three relevant house types. The changes do produce a slight visual impact. However the L1 terraced type backs onto industrial land and a car park for use by residents. Although the changes proposed are not beneficial in terms of appearance the harm is low due to the lack of effected parties. The change to the K house type is minor and although visible from the riverside path there will be no significant adverse impact on visual amenity. The changes in the C&D type would see the reduction in the size of upstairs windows in a prominent gable however the changes are small and visual amenity would not be impacted in an adverse way. No third party interests would be affected and local and national policy are complied with. No other considerations are relevant to the consideration of the application.
- 5.4 The changes in the floor plan of the C&D type are to enable the provision of en suite bathroom in bedroom 1. The three bedrooms will remain of a usable size and the impact of the change is negligible.
- 5.5 The proposed changes are considered minor material and the application can be approved.

## **6. OTHER CONSIDERATIONS**

### **6.1 *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.

### **6.2 *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.

### **6.3 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.

### **6.4 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.**

### **6.5 *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.

## 6.6 **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.

## 7. **CONCLUSION**

7.1 The proposed changes are considered minor material and the application can be approved.

## 8. **DECISION**

### **APPROVED & CONDITIONS**

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

- Drawing 3073(04) 291 A - House Type K – Floor Plans, Ground Floor Plan
- Drawing 3073(04) 292 A - House Type K – Floor Plans, First Floor Plan
- Drawing 3073(04) 293 A - House Type K – Floor Plans, Second Floor Plan
- Drawing 3073(04) 231 B – House Type C&D Elevations
- Drawing 3073(04) 232 C – House Type C&D, Floor Plans, First Floor Plan
- Drawing 3073(04) 331 F – House Type C&D Elevations
- Drawing 3073(04) 332 F – House Type C&D Elevations
- Drawing 3073(04) 333 B – House Type C&D Elevations
- Drawing 3073(04) 391 B – House Type K Elevations
- Drawing 3073(04) 392 B - House Type K Elevations
- Drawing 3073(04) 2200 A - House Type L1(Plots 1-36), Floor Plans, Ground + 1st Floor Plan
- Drawing 3073(04) 2201 A - House Type L1(Plots 1-36), Floor Plans, Second Floor Plan
- Drawing 3073(04) 2321 B - House Type L1(Plots 1-36) - Elevations
- Drawing 3073(04) 2322 B - House Type L1(Plots 1-36) - Elevations
- Email from Emma Harding 21 June 2019

**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 the following unconditioned plans and documents:

- Drawing 3073(04) 001 B – Site Location
- Asbri letter dated 01 April 2019 (Reference: 18.271)

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

03 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

04 House Type L is only amended in relation to Plots 1-36 and not anywhere else on the site.

05 This approval should be read in conjunction with that for 18/0293 since conditions and a legal agreement attached to that permission remain relevant and enforceable to the development in question.

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