

# Delegated Decision Report

|                 |         |                    |        |                 |
|-----------------|---------|--------------------|--------|-----------------|
| Application No: | 25/0066 | Statutory Expires: | Period | 21st March 2025 |
|-----------------|---------|--------------------|--------|-----------------|

|            |                                                                                                                                                                                                                                                                                                                                                                                       |       |                        |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------------------|
| Site:      | <i>Land At North And South Site St John's Oak Road Rogerstone Newport South Wales</i>                                                                                                                                                                                                                                                                                                 |       |                        |
| Proposal:  | <b>NMA APPLICATION TO VARY CONDITIONS 5 (PARKING, TURNING AND SERVICING AREAS) AND 8 (ECOLOGICAL ENHANCEMENT AND HABITAT MANAGEMENT PLAN) OF 22/0919 DEMOLITION OF 1 - 23 OAK ROAD AND REDEVELOPMENT TO PROVIDE 43 RESIDENTIAL HOMES COMPRISING 5 HOUSES AND 9 FLATS ON THE NORTH SITE AND 29 FLATS ON THE SOUTH SITE ALONGSIDE LANDSCAPING, ACCESS, PARKING AND ASSOCIATED WORKS</b> |       |                        |
| Applicant: | <b>Newport City Homes,</b>                                                                                                                                                                                                                                                                                                                                                            |       |                        |
| Type:      | <b>Non-Material Amendment</b>                                                                                                                                                                                                                                                                                                                                                         | Ward: | <b>Rogerstone West</b> |
| Decision:  | <b>APPROVED WITH CONDITIONS</b>                                                                                                                                                                                                                                                                                                                                                       |       |                        |

## 1. BACKGROUND

- 1.1 Full planning permission has been granted under application 22/0919 for the demolition of 1 – 23 Oak Road and the redevelopment of the site to provide 43 residential homes, comprising of 5 houses and 9 flats on the north site and 29 flats on the south site, alongside landscaping, access, parking and associated works.
- 1.2 The application was presented to the Planning Committee and was granted subject to conditions on 8<sup>th</sup> January 2025.

## 2. SITE LOCATION AND CONTEXT

- 2.1 The site comprises two separate parcels of land. It relates to land to the north and south of St John's, Oak Road, Rogerstone, in Newport. The site has a total area of 0.9 hectares with flats on the northern half and open space on the southern half.
- 2.2 The site is located within the settlement boundary for Newport. It comprises previously developed land. There are no constraints showing on the Local Development Plan (LDP) Constraints Map and no proposals showing on the LDP Proposals Map.

## 3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks approval for a non-material amendment to vary the wording of Conditions 5 and 8 of 22/0919.
- 3.2 Condition 5 of 22/0919 currently reads:

Notwithstanding the submitted plans, prior to any development, full details of parking, HGV turning and servicing areas (including full details of the turning head to the rear of House H3) shall be submitted to and approved in writing by the Local Planning Authority. The areas identified shall be, surfaced, drained, permanently marked out/demarcated and implemented prior to first occupation of the premises and retained for parking/servicing purposes thereafter. For the avoidance of doubt the proposed turning head adjacent to units H2/H3 within highway is included, as an integral component of the servicing strategy.

Reason: To ensure that adequate on-site provision is made for traffic generated by the use of the premises, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and that hard-surfaced areas are satisfactory in appearance.

It is proposed to reword the condition to read (see additional wording in **bold**):

Notwithstanding the submitted plans, prior to any development, **except for on the southern phase as defined by plan AB001**, full details of parking, HGV turning and servicing areas (including full details of the turning head to the rear of House H3) shall be submitted to and approved in writing by the Local Planning Authority. The areas identified shall be, surfaced, drained, permanently marked out/demarcated and implemented prior to first occupation of the premises and retained for parking/servicing purposes thereafter. For the avoidance of doubt the proposed turning head adjacent to units H2/H3 within highway is included, as an integral component of the servicing strategy.

Reason: To ensure that adequate on-site provision is made for traffic generated by the use of the premises, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and that hard-surfaced areas are satisfactory in appearance.

### 3.3 Condition 8 of 22/0919 currently reads:

Prior to commencement of any development, an ecological enhancement and habitat management plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall accord with the recommendations of the Green Infrastructure Statement and shall include:

Locations and specifications of bird boxes and bat boxes.

Frequency of management.

Who will be responsible for the management.

The enhancement measures shall be fully implemented prior to beneficial occupation of any dwelling and managed in accordance with the approved details.

Reason: In the interests of ecology.

It is proposed to reword the condition to read (see additional wording in **bold**):

**Prior to any above ground building construction**, an ecological enhancement and habitat management plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall accord with the recommendations of the Green Infrastructure Statement and shall include:

Locations and specifications of bird boxes and bat boxes.

Frequency of management.

Who will be responsible for the management.

The enhancement measures shall be fully implemented prior to beneficial occupation of any dwelling and managed in accordance with the approved details.

Reason: In the interests of ecology.

## 4. RELEVANT SITE HISTORY

| Application No: | Proposal:                                                                                    | Decision:               | Decision Date: |
|-----------------|----------------------------------------------------------------------------------------------|-------------------------|----------------|
| 22/0919         | DEMOLITION OF 1 - 23 OAK ROAD AND REDEVELOPMENT TO PROVIDE 43 RESIDENTIAL HOMES COMPRISING 5 | Granted with Conditions | 8 January 2025 |

|         |                                                                                                                                 |                             |                 |
|---------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-----------------|
|         | HOUSES AND 9 FLATS ON THE NORTH SITE AND 29 FLATS ON THE SOUTH SITE ALONGSIDE LANDSCAPING, ACCESS, PARKING AND ASSOCIATED WORKS |                             |                 |
| 12/0886 | PRIOR NOTIFICATION FOR THE DEMOLITION OF ST JOHN'S COURT                                                                        | Prior Approval Not Required | 11 October 2012 |
| 11/1275 | PRIOR NOTIFICATION FOR PROPOSED DEMOLITION OF UNOCCUPIED SHELTERED ACCOMMODATION                                                | Prior Approval Required     | 12 January 2012 |

## 5. PLANNING POLICY

### 5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

### 5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

### 5.3 Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission (July 2014).

### 5.4 Newport Local Development Plan (2011-2026)

Policies SP13, GP2, GP4, GP5, GP6, H3, H4, T4 and W3.

## 6. CONSULTATION RESPONSES

6.1 Local Highways Authority: The application does not appear to justify why the southern half of the development should be exempt from the condition. We would suggest that the condition does not cause any significant delays, but it could be worded such that it refers to the condition being fulfilled for each phase, prior to that phase being commenced.

6.2 Ecology: No response received.

## 7. PUBLIC REPRESENTATIONS

7.1 None.

## **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. As stipulated in *Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission*, 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 With regard to Condition 5, the additional wording would mean that full details of parking, HGV turning and servicing areas would not need to be provided prior to development commencing on the southern section of the site.

It is considered that this change would not cause an impact different to that caused by the original approved development scheme, neither would it result in a detrimental impact either visually or in terms of local amenity. Whilst the wording of the condition would be altered, this would not result in any changes to the details of the approved scheme, including the scale and appearance of the development.

The Local Highways Authority have objected to the application, stating that it does not appear to justify why the southern half of the development should be exempt from the condition. The reason for this is that the details of parking, HGV turning and servicing areas are required in relation to the north site only.

Furthermore, the interests of no third party would be disadvantaged and the changes to the wording of the condition would not conflict with National or Local Development Plan Policies.

8.3.1 Condition 8 requires the submission of an ecological enhancement and habitat management plan prior to the commencement of any development. The current application requests that these details be submitted prior to any *above ground* construction instead. Both ecological enhancement and habitat management do not need to be considered prior to any ground works being undertaken and would form part of the above ground development. As such it is considered the changes to the wording of this condition would not result in any impacts different to those caused by the original approved development scheme, neither would they result in a detrimental impact either visually or in terms of local amenity. In addition, it is not considered that the interests of any third party or body be disadvantaged in planning terms, neither would the proposed change conflict with national or development plan policies.

## **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 proposed alteration to the wording of Conditions 5 and 8 of the previous consent 22/0919 is considered to comply with the tests as set out within this report and is considered to be a non-material amendment to the previously approved scheme.

## 11. **DECISION**

### **APPROVED WITH CONDITIONS**

1. Notwithstanding the submitted plans, prior to any development, except for on the southern phase as defined by plan AB001, full details of parking, HGV turning and servicing areas (including full details of the turning head to the rear of House H3) shall be submitted to and approved in writing by the Local Planning Authority. The areas identified shall be, surfaced, drained, permanently marked out/demarcated and

implemented prior to first occupation of the premises and retained for parking/servicing purposes thereafter. For the avoidance of doubt the proposed turning head adjacent to units H2/H3 within highway is included, as an integral component of the servicing strategy.

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2. Prior to any above ground building construction, an ecological enhancement and habitat management plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall accord with the recommendations of the Green Infrastructure Statement and shall include:

Locations and specifications of bird boxes and bat boxes.

Frequency of management.

Who will be responsible for the management.

The enhancement measures shall be fully implemented prior to beneficial occupation of any dwelling and managed in accordance with the approved details.

Reason: In the interests of ecology.

#### *NOTE TO APPLICANT*

01 The development plan for Newport is the Newport Local Development Plan 2011 - 2026 (Adopted January 2015). Policies SP13, GP2, GP4, GP5, GP6, H3, H4, T4 and W3 were relevant to the determination of this application.

02 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.