

## Delegated Decision Report

<b>Application No:</b>	<b>24/1032</b>	<b>Statutory Period Expires:</b>	<b>30<sup>th</sup> May 2025</b>
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<b>Site:</b>	<i>The Hollies, Garden Cottage Pentre-Poeth Road Newport NP10 8RT</i>		
<b>Proposal:</b>	<i>REPLACEMENT OF EXISTING SUBSTANDARD DWELLING WITH A NEW, HIGH-QUALITY FAMILY HOME DESIGNED TO MEET MODERN LIVING STANDARDS</i>		
<b>Applicant:</b>	<i>Williams</i>		
<b>Type:</b>	<b>Full</b>	<b>Ward:</b>	<b>Graig</b>
<b>Decision:</b>	<b>GRANTED WITH CONDITIONS</b>		

### 1. BACKGROUND

- 1.1 Previous applications, 96/0904 and 91/0386, refused the extension of the host dwelling as it was tantamount to a new dwelling and no justification was put forward on agricultural grounds.

### 2. SITE LOCATION AND CONTEXT

- 2.1 The site is in the countryside and accessed from Pentre-Poeth Road. The site forms part of a group of residential properties which are a mix of large detached and semi-detached. A driveway forms the main access which is north of the application site boundary. To the southern boundary lies an existing driveway serving the neighbouring property of Holly House. The application site benefits from a limited curtilage and a paddock area.

### 3. DESCRIPTION OF DEVELOPMENT

- 3.1 Demolition of existing building and erection of a two storey 4no. bedroom detached dwelling. The elevations are formed of render with a tile roof covering.

### 4. RELEVANT SITE HISTORY

<b>App Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
96/0904	SINGLE STOREY SIDE EXTENSION CONTAINING STUDY BEDROOM AND BATHROOM	Refused	11.04.1997
92/0094	TWO STOREY EXTENSION (RESUBMISSION FOLLOWING REFUSAL OF 91/0386/F)	Refused	06.03.1992
91/0386	TWO STOREY EXTENSION	Refused	07.06.1991
89/0591	ERECTION OF A DETACHED HOUSE AND GARAGE (OUTLINE) - PLOT 5	Refused	02.11.1989

### 5. PLANNING POLICY

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 7 – Delivering Affordable Homes

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- SP1 – Sustainability
- SP5 – Countryside
- GP2 – General Amenity
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- GP7 – Environmental Protection and Public Health
- H12 – Replacement Dwellings in the Countryside
- T4 – Parking
- W3 – Provision for Waste Management Facilities in Development

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- Wildlife and Development
- New Dwellings
- Waste Storage and Collection
- Parking Standards
- Trees, Woodland, Hedgerows and Development Sites

**6. CONSULTATION RESPONSES**

6.1 Ecology Officer: A bat survey report dated June 2024 v1.0 has been submitted with this application, and I support the methodology and conclusions of that report.

6.2 Landscape Architect: No objections on landscape terms.

6.3 Tree Officer: No objections and conditions for a pre-commencement site meeting, adherence to the submitted arboricultural method statement and appointment of arboriculturist.

6.4 Drainage Manager: No response.

6.5 Environmental Health Officer: No response.

6.6 Senior Scientific Officer: No response.

6.7 Sustainable Drainage Approval Body: SAB approval required.

6.8 Waste Manager: No response.

6.9 Highways Officer: No objection in principle, subject to conditions to provide visibility splay, driveway to be non-migratory material, no gates to be erected, parking to be laid out, scheme for cycle parking and a scheme for electric vehicle charging.

6.10 Natural Resources Wales: No objection.

6.11 Dwr Cymru/Welsh Water: This application is located in an unsewered area and since the proposal intends on utilising an alternative to mains drainage, we would advise that the applicant seek advice from Natural Resources Wales and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

**7. PUBLIC REPRESENTATIONS**

Neighbour notification letters were sent on the 2<sup>nd</sup> January 2025 and a Site Notice was put up on the 10<sup>th</sup> January 2025.

7.1 NEIGHBOURS: None received.

7.2 GRAIG COMMUNITY COUNCIL: no objections, subject to the following:

- That the revised tree plan suggested by the Tree Officer is carried out and is satisfactory.
- That the SAB application is completed and approved by NCC.
- That the recommendations from the Highways Officer are implemented.
- That advice given by the Ecology Officer, Natural Resources Wales and Welsh Water are satisfactorily addressed.

## 8. ASSESSMENT

### 8.1 Replacement Dwellings in the Countryside

8.1.1 Policy H12 sets out that *Beyond defined settlement boundaries, proposals to replace a dwelling with a new dwelling will be permitted provided that:*

- i. The volume of the new dwelling is not more than 30% larger than that of the original dwelling, or as existing in 1948, to be replaced;*
- ii. There is a condition attached to the planning permission to prevent subsequent extension of outbuildings;*
- iii. The existing dwelling has a lawful residential use;*
- iv. The new dwelling is sited to preclude the retention of the dwelling it is to replace, or there is a condition or planning obligation to ensure the demolition of the original dwelling on completion of the new dwelling;*
- v. Any existing agricultural tie shall be attached to the new dwelling.*

8.1.2 Regarding criterion (i), the application is supported by a Volume Mapping drawing referenced SD800-13 which confirms the volume of the existing dwelling being 215m<sup>3</sup> and the proposed dwelling having a volume of 355m<sup>3</sup>. This represents a 54.9% increase in volume for the proposed dwelling which breaches the 30% limit.

8.1.3 The Volume Mapping drawing also provides the volumes for the immediate neighbouring properties which shows they have an average volume of 1048m<sup>3</sup>.

8.1.4 The increase in volume would not detract from the overall proportions and appearance of the area. No significant identifiable harm is considered to result from the increase in volume as proposed in this specific case due to the scale of neighbouring properties and that the proposal remains as a subservient structure in the wider street scene.

8.1.5 A condition shall be attached restricting the permitted development rights of the property as per the requirements of criterion (ii).

8.1.6 A Council Tax check confirms that a record has been present on the site since 1997 and there are no enforcement notices on the site relating to the use of the building as a dwelling. On the balance of probabilities, the building has a lawful use as a residential dwelling and accords with criterion (iii).

8.1.7 Regarding criterion (iv) a condition is attached for the demolition of the existing dwelling prior to the commencement of development of the dwelling hereby approved.

8.1.8 Criterion (v) is not applicable to the scheme as there is no existing agricultural tie on the property.

8.1.9 The proposed development is considered to accord with the aims of Policy H12.

## 8.2 **Impact on Amenity**

8.2.1 The siting of the proposed dwelling is sited further south thereby increasing the separation distance with Coach House (4) and the separation distance with Holly House is being maintained at approximately 10m. The proposed dwelling measures 10.3m (l) x 8.3m (w) x 6.65m (h). Given the separation distances between the proposed dwelling and the existing neighbouring properties, it is considered the proposal would not have an adverse impact with regard to daylight, sunlight, overshadowing or overlooking.

8.2.2 The proposed package treatment plant is considered to not result in harm on the amenity of any nearby residential properties as it would achieve the relevant British Standard for package treatment plants discharges to a watercourse. The proposal accords with Policies GP2 and GP7.

## 8.3 **Impact on Biodiversity**

8.3.1 The application is supported by a Green Infrastructure Statement and a Bat Survey. Given the presence of protected species, a European Species Licence will be required to undertake any works to the roof. While this process is controlled by Natural Resources Wales, the Local Planning Authority are required to assess whether a European Species Licence is likely to be issued should one be applied for. It shall be noted that the assessment of the Local Planning Authority on whether a European Species Licence should be issued, does not provide any weight in the decision making of Natural Resources Wales on whether one shall be issued.

8.3.2 Regulation 44 of The Conservation of Habitats and Species Regulations 2017 sets out the three derogation tests which are set out and answered below:

1. *There is 'no satisfactory alternative.'*

The proposal seeks to demolish an existing lawful dwelling and replace the structure with a new build dwelling. An alternative would be to seek out and demolish another residential property that did not have a bat roost present. However it is considered this is unreasonable; given the type of development proposed and the poor quality of the existing building, it is considered there is no satisfactory alternative.

2. *It is 'not detrimental to the maintenance of the populations of the species concerns favourable conservation status in their natural range.'*

The submitted bat survey confirmed that during the emergence survey, a maximum of 4no. common pipistrelles were documented using the building as a daytime roost. The proposed demolition works would cause disturbance and displace the existing roost. However, with the implementation and the overseeing of the demolition by an ecological Clerk of Works, this would ensure that impacts on bats are minimised. Taking this into account, it is considered that the proposal would not be detrimental to the maintenance of populations of the species favourable conservation status. Furthermore, Section 10 of the bat survey sets out the proposed mitigation measures which contribute toward the biodiversity net gain of the site. A condition is attached to ensure these measures are installed.

3. *It is 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.'*

The proposed redevelopment of the site is considered to result in social and economic benefits through its contribution toward the provision of good quality housing for future residents and the employment of local residents and tradespeople during the construction phase and supply chain.

- 8.3.3 The consideration of the derogation tests above show that the proposal is acceptable regarding its impact on protected species. A condition is attached to the decision notice outlining the development shall be carried out in accordance with the recommendations of Section 9 and 10 of the Bat Survey. Subject to condition the proposal accords with Policy GP5.
- 8.3.4 The submitted Tree Protection Plan (Drawing ref: 24/1053/03 Rev B) indicates that 1no. goat willow tree is proposed to be felled. This tree is categorised as a *Ci* tree, therefore it is considered to be an *unremarkable tree of very limited merit or of significantly impaired condition*. No objection has been received from the Tree Officer regarding the felling of the tree.
- 8.3.5 The soft landscaping layout shows the number of trees, and their location are acceptable and meet the aims of Planning Policy Wales (Ed.12).

#### 8.4 **Impact on Character and Appearance**

- 8.4.1 The existing dwelling measures 11m x 7m x 5m (h) and the proposed dwelling measures 10.3m x 7.5m x 6.55m (h).
- 8.4.3 The materials proposed for the external elevations are white render, slate and dark grey fenestration. These materials are considered acceptable as they would integrate with the neighbouring dwellings which are formed of white render with a mix of clay and slate.
- 8.4.4 The proposal includes the erection of a front boundary wall which follows the line of the existing dwelling and linking into existing elements of the boundary wall. The height of the wall has a maximum height of 1.2m and reduces to 0.6m at the vehicle access point. Elevation details have not been provided and are secured by way of condition to ensure the overall appearance integrates with the existing features and character of the area.
- 8.4.5 It is considered that the proposal accords with the general thrust of Policy GP6.

#### 8.5 **Highways and Parking**

- 8.5.1 Highways Officer raises no objection subject to conditions which are attached. Parking, visibility splays and cycle parking acceptable in accordance with relevant policies.

#### 8.6 **Waste**

- 8.6.1 The submitted hard landscaping plan includes a bin storage area however no elevation details are provided. The proposed location is considered acceptable, however a condition is attached for the submission of the bin store details. Subject to condition, the proposal accords with Policy W3.

### 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 development accords with the relevant local and national policies and the application is hereby granted.

11. **DECISION**

**Granted with conditions:**

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

- Certificate PIA Kingspan BioDisc (Received: 02/05/2025)
- Foul Drainage Plan (Drawing ref: SD800 -15B)
- Additional Drainage Information (Received: 02/05/2025)
- Water Quality Exemption Certificate (Received: 04/04/2025)
- Drainage Hierarchy Statement (Received: 02/04/2025)
- BA-BB-BAx BioDisc IPS Sales Drawing (Drawing ref: DS1147P)
- BioDisc® BA, BAX & BB Installation Manual (Received: 02/04/2025)
- Arboricultural Impact Assessment & Method Statement (Received: 27/03/2025)
- Hard Landscaping Plan (Drawing ref: SD800-14D)
- Site Sections (Drawing ref: SD800-12B)
- Proposed First Floor Plan & Elevations (Drawing ref: SD800-11C)
- Proposed Ground Floor & Elevations (Drawing ref: SD800-10C)
- Block and Location Plan (Drawing ref: SD800-00D)
- Garden Cottage Rhiwderin Green Infrastructure Statement v1 Oct 2024 (Received: 20/12/2024)
- Bat Survey Garden Cottage Newport. (Received: 20/12/2024)
- 2024-06 Site Assessment Report - Garden Cottage (Received: 20/12/2024)
- Design & Access Statement (Received: 20/12/2024)
- Garden Cottage Rhiwderin Soft Landscape Planting and Maintenance Schedule v1 (Received: 20/12/2024)
- Volume Mapping (Drawing ref: SD800-13)
- Existing Elevations (Drawing ref: SD800-002)
- Soft Landscape Plan (Drawing ref: 24/1053/03)
- Existing Plans (Drawing ref: SD800-01)

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

02 No building shall be occupied until a sustainable drainage system for the site has been completed in accordance with the details first submitted to and agreed in writing by the local planning authority. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

REASON: To ensure the site is served by a surface water drainage in accordance with Policy SP3 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

03 The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures as set out within Sections 9 and 10 of the Bat Survey by Ecological Services Ltd. Version V1.0.

REASON: In the interests of protected species in accordance with Policy GP5 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

04 Prior to the commencement of development details and drawings of all boundaries shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details and retained for the duration of the use.

REASON: In the interests of character and appearance in accordance with Policy GP6 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

05 Prior to the commencement of the use of the dwelling hereby approved, full details of the bin storage, to include elevations and finish detail, shall be submitted to

and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as approved and then maintained thereafter in that state.

Reason: To ensure adequate bin storage is provided for the site in the interest of visual and residential amenity in accordance with Policies GP6 and W3 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

06 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order), Schedule 2, Part 1, no development within Classes A, B, C, D, or E shall be carried out without the prior written permission of the Local Planning Authority.

REASON: To protect the open countryside character in accordance with Policy H12 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

07 The scheme of landscaping, tree planting and management schedule hereby approved shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of the development.

Thereafter the trees and shrubs shall be maintained for a period of 5 years from the date of planting and any which die or are damaged shall be replaced and maintained until satisfactorily established. For the purpose of this condition, a full planting season shall mean the period from October to April.

Reason: To secure the satisfactory implementation of the proposal.

08 The development shall be carried out in full compliance with the Arboricultural Impact Assessment & Method Statement (Received: 27/03/2025).

REASON: To protect important landscape features in accordance with Policy GP6 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

09 Prior to commencement of construction of the dwelling hereby approved, the existing dwelling known as Garden Cottage shall be fully demolished and all resultant material shall have been fully removed from the site.

REASON: To protect the open countryside character in accordance with Policy H12 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

10 The curtilage of the dwellinghouse hereby approved shall be limited to the area as shown by the red edge on drawing Block and Location Plan (Drawing ref: SD800-00D).

REASON: To protect the open countryside character in accordance with Policy H12 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

11 No use shall be made of the building hereby approved until the parking and access areas have been provided and surfaced as indicated on the plan(s) hereby approved. Thereafter, these areas shall be kept available for those purposes at all times.

Reason: To ensure that adequate off-street parking provision is made in the interests of highway safety in accordance with Policies GP4 and T4 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

12 No part of the development shall be brought into use until visibility splays of 2 metres by 2 metres have been provided on each side of the access. The depth shall be measured from the back of footway/verge; and the width measured outward from the edges of the access. The splays shall be created clear of obstructions to visibility at or above a height of 0.6 metres above highway. Once created, the visibility splays shall be maintained clear of any obstruction and shall be retained at all times.

Reason: To provide the driver of a vehicle using the access and other users of the

public highway with adequate inter-visibility in the interests of road safety in accordance with Policies GP4 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

13 No gates or other means of obstruction shall be placed across the vehicular access formed as part of this development. Reason: To permit vehicles to pull clear of the carriageway when entering the site in the interests of road safety in accordance with Policies GP4 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

14 Prior to the commencement of the use of the dwelling hereby approved, full details of the bicycle storage, to include elevations and finish detail, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as approved and then maintained thereafter in that state.

Reason: To ensure adequate bicycle storage is provided for the site in the interest of encouraging active travel in accordance with Policies T4 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

15 Prior to the occupation of the dwelling hereby approved, an electric vehicle charging point shall have been provided in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority..

Reason: In the interests of air quality and sustainability, and to ensure compliance with policies SP1 and GP7 of the Newport Local Development Plan.

#### *NOTE TO APPLICANT*

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP5, GP2, GP4, GP5, GP6, GP7, H12, T4 and W3 were relevant to the determination of this application.

02 Warning: An European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/europeanprotected-species/?lang=en>

03 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

04 It is an offence to carry out any works within the public highway without permission of the Highway Authority. This consent requires the construction, improvement or alteration of an access to the public highway. Under Section 184 of the Highways Act 1980 the Highway Authority must specify the works to be carried out and only the Highway Authority or contractor approved by the Highway Authority can carry out the works. Therefore prior to commencing any works that affect the access you must contact the Council's Highway Maintenance Team for further details. The applicant is reminded that it is an offence to allow material to be carried from the site and deposited on or cause damage to the highway from uncleaned

wheels or badly loaded vehicles. The Highway Authority will seek to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and will prosecute persistent offenders under Sections 131, 148 & 149 of the Highways Act 1980.