

APPLICATION DETAILS

No: 23/0404 **Ward:** Llanwern

Type: Full

Expiry Date: 21st January 2025

Applicant: P Gane

Site: *The Fields, Land North Of And Adjacent To Milton Hill Llanwern Newport NP18 2DU*

Proposal: **PROPOSED NEW DWELLING WITH CAR PARKING AND ASSOCIATED SITE WORKS**

Recommendation: **GRANTED WITH CONDITIONS AND SUBJECT TO A SECTION 106 LEGAL AGREEMENT WITH DELEGATED AUTHORITY TO HEAD OF REGENERATION AND ECONOMIC DEVELOPMENT TO USE DISCRETION TO REFUSE IF NOT SIGNED WITHIN 4 MONTHS OF A RESOLUTION**

1. INTRODUCTION

- 1.1 An application for a new dwelling at the site has previously been refused by the Council and an appeal dismissed in 2015. Subsequent to that a further application for a new dwelling was submitted and planning permission was granted on the 11th June 2019 for the erection of a three storey detached dwelling, creation of new access and associated parking. This is no longer extant. The applicant is seeking a new permission for a residential property of altered scale and form but broadly along the same principles compared to the scheme previously approved, notably in terms of access and position on plot along with split level design.
- 1.2 This application is being considered by Planning Committee at the request of Councillor Kellaway due to potential overbearing impact to neighbours and impact on Great Milton Farm which is a Grade II Listed building to the west of the site. Great Milton is situated at the north-east side of Llanwern village. It is a stone-built 2 ½ storey, early 17th century, minor gentry house.
- 1.3 The site is broadly rectangular in shape and measures approximately 35m x 26m (reducing to 12m at its narrowest point). The site is green space adjoining The Fields to the south and is steeply sloping from east to west. It is accessed via an existing access lane currently serving three properties including The Fields. To the north the site is bounded by Milton Hill, with Cot Hill residential development beyond that. To the east is Redwood which is a detached dormer bungalow. To the west and the other side of the access lane, situated approximately 25m away is Great Milton which is a Grade II Listed Building. On the opposite side of Milton Hill to the north and north-east there are several bungalows sited gable end-on to Milton Hill.
- 1.4 The site contains trees including a protected Cedar and is largely screened from Milton Hill by hedgerow that appears to include some trees and is generally grown out. An extract from the site location plan can be seen below:



3. RELEVANT SITE HISTORY

APP NUMBER	Proposal	Decision	Decision Date
11/1182	ERECTION OF TWO DETACHED DWELLINGS AND CREATION OF NEW ACCESS	Withdrawn	18/12/2012
14/0443	ERECTION OF TWO STOREY DWELLING INCLUDING NEW VEHICULAR ACCESS AND ENGINEERING WORKS ASSOCIATED WITH INCREASING GROUND HEIGHT	Refused	20/02/2015
18/1025	ERECTION OF A THREE STOREY DETACHED HOUSE WITH CREATION OF A NEW ACCESS, PROVISION OF PARKING FACILITIES/SPACES AND ASSOCIATED SITE WORKS	Granted with Conditions	11/06/2019

4. POLICY CONTEXT

4.1 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

4.2 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.

4.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policy SP1 Sustainability favours proposals which make a positive contribution to sustainable development.

Policy SP13 Planning Obligations enables contributions to be sought from developers that will help deliver infrastructure which is necessary to support development.

Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.

Policy GP3 General Development Principles – Service Infrastructure states that development will only be provided where necessary and appropriate service infrastructure either exists or can be provided. This includes power supplies, water, means of sewage disposal and telecommunications.

Policy GP4 General Development Principles – Highways and Accessibility states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.

Policy GP5 General Development Principles – Natural Environment states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.

Policy GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

Policy CE5 Locally Listed Buildings and Sites notes a Local List of buildings and sites of local significance will be produced and protected from demolition and inappropriate development.

Policy CE6 Archaeology states that proposals in areas known to have archaeological interest or potentially have archaeological interest will be required to undertake an archaeological impact assessment.

Policy H4 Affordable Housing sets out the affordable housing targets for the four submarket areas within Newport. For new housing sites of fewer than 10 dwellings within the settlement boundary, and fewer than 3 dwellings within the village boundaries, a commuted sum will be sought.

Policy H6 Sub-division of Curtilages, Infill and Backland Development permits such development only where it does not represent an over development of the land.

Policy T4 Parking states that development will be expected to provide appropriate levels of parking.

4.4 SUPPLEMENTARY PLANNING GUIDANCE:

New Dwellings

Parking standards

Planning Obligations

Affordable Housing

Archaeology and Archaeologically sensitive sites

Wildlife and Development

Trees, Woodland, Hedgerows and Development sites

5. CONSULTATIONS

5.1 DWR CYMRU – WELSH WATER: We can confirm capacity exists within the public sewerage

network in order to receive the domestic foul only flows from the proposed development site. Turning to surface water, as of 7th January 2019, this proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Newport City Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation. Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Condition and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

5.2 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: The proposal will require archaeological mitigation.

Information in the regional Historic Environment Record, curated by this Trust, shows that the application area is located close to the interface of the solid geology and the alluvial muds of the Gwent Levels, which has been identified as being a likely area to locate evidence for human activity in all periods. The positioning of settlements on the solid geology presented a dry dwelling area with easy access to the wetter lands of the Levels with their rich wildlife good grazing land and other exploitable assets, such areas have been shown to be favoured sites in all periods. Furthermore, there is a concentration of medieval sites in the vicinity; including Milton Mill, mentioned in documentation of 1319, and to the east of the application area a large moated site, located at the head of the Monks' Ditch in an area believed to be a boundary between land holdings and which is mentioned in the 10th century and where a ford is located. We also noted that the application area itself is on the road frontage on a historic route and there is therefore the potential for archaeological material to be located there.

The proposed development involves the construction of a new dwelling with car parking and associated works. You may recall our previous responses to earlier applications at the above site (Pl.App.No. 14/0443, and 18/1025) in which we recommended a condition to be attached to any planning consent granted for an archaeological watching brief to be undertaken in order to mitigate the impact of the development upon the archaeological resource and since the previous application, our understanding of the archaeological resource remains unchanged.

As a result, it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members. We envisage that this programme of work would take the form of a watching brief during the groundworks required for the development, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014

No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

We also recommend that a note should be attached to the planning consent explaining that: The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA).

6. INTERNAL COUNCIL ADVICE

- 6.1 HERITAGE OFFICER: No objection subject to a condition requiring samples to external materials to be submitted for approval.
- 6.2 ECOLOGY OFFICER: I gather the two trees on site T1 & T2 have already been felled, and the hedgerow along the frontage of the site is to be retained. Given that the habitats on site consist of formal garden and mown amenity grassland, I am satisfied that the likelihood of significant ecological impact is low.

The proposed tree planting, hedgerow planting, and installation of bat and bird nest boxes, should compensate for loss of trees, and represent a net benefit for biodiversity.

- 6.3 HIGHWAYS: No objection subject to conditions. The plans now demonstrate that the required visibility splays are achievable and detailed boundary treatments to achieve them. These should be secured by way of condition.
The plans no longer show gates adjacent to the highway. To gain Highways' support these should be removed or set back 5m behind edge of carriageway, for reasons of highway safety. We would therefore request a condition to prevent them being installed later. The first 5m of drive is now proposed to be surfaced in bound and permeable material to prevent transfer to highway.
An Aco or cut off drainage system with soak away within curtilage is now proposed and would be appropriate.
Given the location on a bend we would suggest that a construction management condition would be appropriate to ensure public safety is maintained during construction.
In conclusion there are no sustained objections on highway related grounds subject to conditions.
- 6.4 LANDSCAPE OFFICER: Further revision to the proposal has been submitted, the house footprint is smaller and slightly rotated, the Landscape Layout now rev 03 by Robert Roger Associates Ltd has been updated to reflect this. There are no changes to the boundary or in-plot landscape proposals which were previously acceptable and I have no further comments.
- 6.5 TREE OFFICER: No objections to this application. A pre-commencement site meeting shall be held prior to any works commencing on site, to agree all approved processes with the appointed Arboricultural Consultant /NCC Tree Officer and construction personnel. To formally agree the methods of work, material storage, parking and tree protection measures prior to commencement of the development and the associated clearance work.
At the time of the meeting, points of contact and lines of communication will be established prior to commencement of the works on site.
Details of the meeting and project contacts should be forwarded to the Tree Officer at Newport City Council. Conditions are requested in the interest of the trees.
- 6.6 HEAD OF ENVIRONMENT AND PUBLIC PROTECTION (NOISE): I confirm I have no objections to the proposals; however the following condition should be attached to any permission granted;
Demolition & Construction Environmental Management Plan
No development shall take place until a site specific Demolition and Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
- Procedures for maintaining good public relations including complaint management, public consultation and liaison
 - Arrangements for liaison with the Newport City Council Noise & Neighbourhood Team
 - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within permitted hours
 - Mitigation measures as defined in BS 5228: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
 - Procedures for emergency deviation of the agreed working hours.
 - Deliveries to and removal of plant, equipment, machinery and waste from the site, and

operational work must only take place within permitted hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays with no audible works on Sundays.

- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

- Measures to mitigate demolition dust and material causing a nuisance to local residents, for example sheeting of loads and wheel washing apparatus

Reason: To protect the amenities of occupiers of other premises in the vicinity

7. REPRESENTATIONS

7.1 Neighbour notification letters were sent on 18TH May 2023, Site Notice was put up on 26th May 2023.

7.2 NEIGHBOURS: 1no objection received as follows:

I am directly adjacent to proposed property with Milton Hill between us. We would be looking at the north elevation as depicted in plans submitted when looking across from our rear garden.

As per my original objection to previous owner. I am not against building on this plot. I do however repeat in relation to this new proposal, the entire immediate surrounding properties are bungalows or dormer bungalows. The two neighbours either side of planned property, us and the previous plot owner who resides therein are both bungalows.

It was I believe upheld previously that said plot was not to be two storey house from the (upper site level) ground level up and it was to be lowered to appear to be a bungalow at ground level yet be a two storey using the low footing by going down, utilising the low ground level severe dip the plot presents.

Apart from standing out as being a two storey house in a sea of bungalows. The North elevation now has a huge amount of glass in it looking straight into my back patio and garden. As a parent of a severely disabled child with nursing team 24/7 we cherished the privacy the empty void of dense woodland before planning, and were also ok with the subsequent proposed planned bungalow development height in previous application which afforded us a decent compromise.

I see no reason why a build should not be on the plot but I do object to a higher ridge line than those properties surrounding it. The design is in stark contrast to the grade 1 listed Great Milton behind it and doesn't resemble anything I am familiar with in area.

I also object to the amount of glass that looks line of sight straight into the rear of our property. This would be a great incursion on our privacy.

That being said I wish the developer all the good luck with the build but have to object at the new design where afforded the opportunity.

7.3 COUNCILLOR KELLAWAY: In relation to the above application could I ask that the application is considered by full committee due to its overbearing nature and impact on Great Milton Farm.

7.4 LLANWERN COMMUNITY COUNCIL: Llanwern Community Council wish to draw your attention to the comments made by the residents of Barnway. The new design has a higher ridge-line and the north elevation has a large amount of glass, which will be overlooking the patio and garden of Barnway. Also the entire immediate surrounding properties are bungalows/dormer bungalows. We trust you will take our comments into consideration.

8. ASSESSMENT

8.1 A three storey dwelling is proposed to be sited side-on to The Fields to the south. The building comprises four linked elements and would have a maximum width of 11m and maximum length of 22m when measured from the front elevation to the rearmost part of the building in length. The building's multiple ridgelines would be stepped down from one another with a maximum height of 10.5m. A mix of fenestration is proposed to the eastern, southern and western elevations. The property would provide a large family room and kitchen, dining area, plant/storeroom, gym, bathrooms and five bedrooms with most of the accommodation being within the lower ground floor and two of the bedrooms above the garage.

8.2 The materials palette would include primarily natural stone for elevations with some timber cladding and slate roof tiles. The amenity space at the rear of the property would be terraced on account of the level changes with retaining walls required. The proposals include an integral double garage, as well as additional parking provision to the front and side of the dwelling.

8.3 This is a spacious plot and commensurate with neighbouring plots in terms of its size. The area has a pleasant amenity with low density development per se. Nearest houses are generally large single storey dwellings with or without roof extensions except for Great Milton situated close to the site and 2.5 storeys. Milton Hill and the village itself display a wide variety of house types and designs including two storey traditional and modern dwellings. This section of Milton Hill includes a variety of boundary treatments abutting the highway which has no footpath. There are numerous existing driveways off it with both low and high walling and fencing visible. Landscaping on and close to the site contribute to the character and appearance of the area and benefit the ambience of the street scene, significantly softening what may otherwise be a mass of closed frontages and constructed enclosures. The grade II listed building known as Great Milton Farm is a key asset to the streetscene and local area. It is currently vacant.

8.4 **Principle of Development:**

The site is located within the settlement boundary and is neighboured by existing residential development. The development of the site for a dwelling is acceptable in principle subject to the following considerations.

8.5 **Visual Amenity/ Character and Appearance;**

In response to the steeply sloping nature of the site a split level dwelling is proposed to respond to the topographical constraints. As noted above, planning permission has previously been granted for a dwelling at the site but is no longer extant. This is referred to only insofar as it has relevance to the neighbour objection. Extracts from the approved plans can be seen below:



8.6 The design proposed is considered to be an improvement upon the approved scheme with

the steeper roof pitches and a more sensitive materials pallet that is considered to be more harmonious with the nearby listed Great Milton Farm in terms of its scale, form and finish. Neighbouring development excluding Great Milton and to the north, east and west predominantly comprises of modern bungalows, but subject to a high quality of design being achieved it is not considered necessary to replicate this. The applicant has engaged in protracted negotiation during application consideration, making changes to layout, landscape design, finishes and scale to address consultee and officer concerns. A detailed rationale for the design approach has been provided and is welcomed.

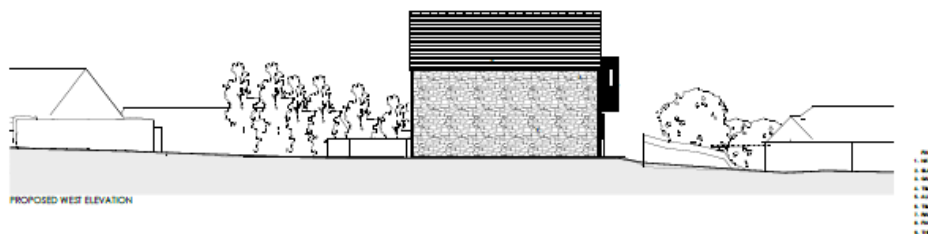
- 8.7 The image below shows the close proximity of the application site with the site access visible in the bottom left corner and Great Milton to the right. Great Milton's distinctive roof arrangement and gabled form along with its fenestration and finishes have clearly influenced the proposals:



- 8.8 The extracts below show the design of the proposed dwelling with the north elevation (top) facing Milton Hill and the north-east elevation (bottom) orientated towards the boundary with Redwood to the south. The outline of Great Milton Farmhouse can also be seen beyond for context but should be regarded as indicative.



8.9 The extract below shows the proposed southern elevation of the building orientated towards The Fields and below that is the west elevation facing Great Milton.

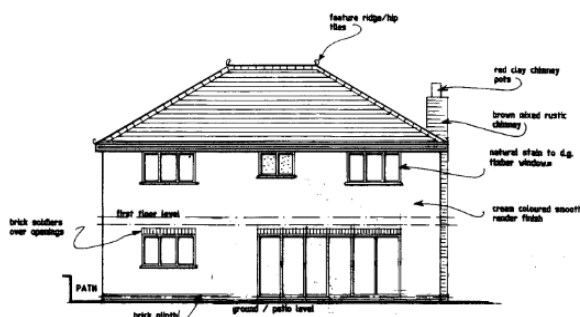


8.10 The visualisation below shows the proposed dwelling with its front elevation facing Milton Hill and the access lane leading to the Fields and two other existing properties to the right. It occupies a prominent position but the gabled form, steep pitches, solid to void ratio and materials have very clearly drawn influence from the neighbouring listed building. Its scale is greater than its closest neighbours though, however two storey dwellings per se are not uncommon in the locality and the listed building close-by is of greater scale than the proposal. Importantly, the building retains space around it and this space and landscape will mitigate any concerns regarding the dwelling being viewed as overdevelopment.

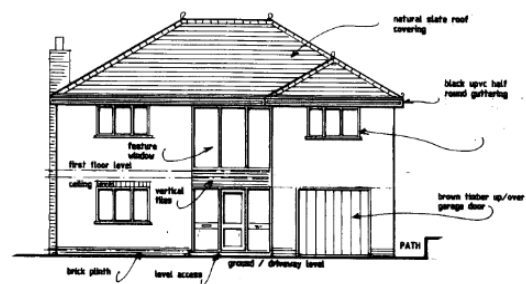


- 8.11 In terms of materials, this will largely consist of stone for the elevations and slate tiles for the roof. This is a traditional material and is considered to compliment the setting of Great Milton and the area generally. Some timber cladding is also proposed to elevations.
- 8.12 The proposals have been revised during the course of the application and the revisions include improvements to the design of the proposed dwelling (specifically, some upper ground floor windows orientated towards Barnway have been removed, a Juliet balcony removed and a window reduced in size, the garage doors altered from a single to two doors, brise soleil features removed and simplification of the materials pallet as described above).
- 8.13 The scheme initially included new walls along the length of the shared access road and at the access at Milton Road. Concerns were raised about the urban appearance of these walls, and they have subsequently been removed with a low hedge proposed instead. The applicant has also clarified that existing landscape features such as the vegetation along the northern boundary are to be retained along with the protected Cedar Tree located close to the shared boundary with The Fields. A protected Oak to the south of this has been felled as was dead or dying and 3 new specimens are proposed to replace this within the plot.
- 8.14 As noted above, a previous application (14/0443) was the subject of an appeal which was subsequently dismissed. The neighbour objection makes some reference to this and therefore officers have considered it. The reason for refusal related to poor design and can be seen below with the front and rear elevations below that:

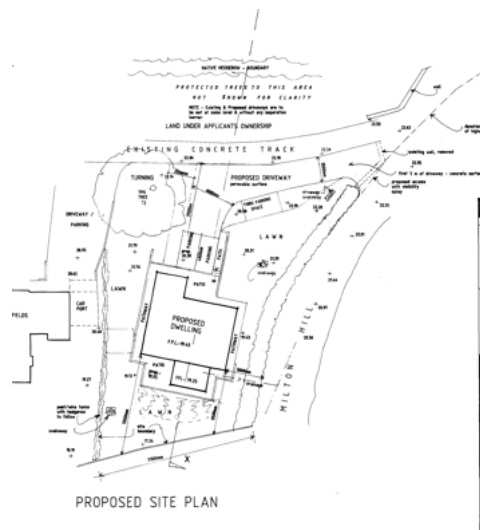
By reason of its scale, location and design the proposed dwelling would be out of keeping with the semi-rural character of the area and would be visually harmful to the adjacent Grade II listed building and its setting. The proposals are contrary to Policies CE5, GP2 and GP6 of the Local Development Plan for Newport, 2011-2016 (Adopted January 2015) and the Town and Country Planning (Listed Building and Conservation Areas) Act 1990.



PROPOSED E.S.E. ELEVATION



ELEVATION FROM ACCESS LANE



The building was overtly suburban in scale and design, set back in the plot with extensive hard surfacing to the frontage. The proposed access was comparable to the current proposal and did not give rise to objection. The Local Planning Authority at the time noted that the site is towards the top of the hill in the settlement limit of Llanwern village and is surrounded by development. Many of the surrounding dwellings are modern and most are bungalows or dormer bungalows. The Council had no objection to the principle of a dwelling on the site. The concern related to the design, massing and scale of the proposal in this semi-rural location and its effect on the setting of the listed building. At that time, the wider strategic expansion of the village had not commenced and, unlike today, there was no two storey housing development north and east of Great Milton and the application site. In his consideration of the appeal the Inspector noted that the main issue was the effect of the development on Great Milton and whilst in agreement with the Council that there is no objection in principle to a new dwelling at the site, the modern hipped roof design and squat proportions of the proposal linked to the treatment of the front garden area would be out of keeping with the listed building nearby. The massing and scale of the proposal were also considered to be incongruous to the setting of the heritage feature. The Inspector further noted as follows:

The protection of residential amenity is a key criterion in LDP Policy GP2 General Development Principles – General Amenity. A concern was raised about a potential loss of privacy for the dwelling on the opposite side of Milton Hill to the proposal. There would be no windows at first floor level in the elevation facing Milton Hill. A small obscurely glazed window is proposed in the ground floor. The existing boundary vegetation and structures would ensure screening of any views from this window and the proposed rear garden area. The proposal would overlook the front garden of Redwood, but as this is not a private space, there would be little loss of privacy as a result. I therefore agree with the Council that the living conditions of existing and proposed residents would be safeguarded and the proposal would comply with Policy GP2.

The design of the current scheme has sought to address these concerns with its split-level design that steps down to reduce massing and avoidance of a hipped roof. The design of the proposed dwelling is considered to be significantly more sensitive to the nearby listed building, albeit closer to it, and a significant improvement upon the refused scheme and even preferable to the previously approved scheme. Whilst the new dwelling would incorporate some modern design aspects, this must be considered within the context of nearby modern bungalows and dormer bungalows. The treatment of the driveway and parking is also considered to be improved. As noted above, the materials palette is considered to be sensitive to the location and are particularly important in achieving a high standard of design. The building is large but sits comfortably within its plot and does not appear as overdevelopment. It is of visibly larger scale than the adjoining bungalow and will occupy a prominent position on Milton Hill's one way system but it does not demonstrably detract from the character and appearance of the streetscene or the setting of the listed building and the design changes achieved during consideration have addressed early concerns regarding massing and the building has the potential to introduce a positive new addition to the streetscape. The proposed two storey gable at upper level facing Milton Hill will not appear unsympathetic in

context as Milton Hill is characterised by gables close to roadside and these are of both one and two storey height and of various, generally modern, design. The design changes made during the course of consideration along with the amendments to the materials palette and landscaping have resulted in an improved scheme that is acceptable in design terms.

8.15 A large mass of glazing is proposed to the front elevation to serve the stairwell. This will be a prominent feature orientated towards Milton Hill and although there will be a degree of screening from boundary vegetation given the glazed nature which is reflective of light, it will still be evident and it is considered that a condition requiring the glazing to be tinted and also requiring window reveals is justified in the interests of good design and the character of the area. The fine detailing of this elevation during construction will be important and officers consider such controls reasonable in this case. It is also considered important to control extensions and other alterations by removing domestic permitted development rights in this case.

8.16 It is considered that the development will not result in a demonstrable adverse impact to the visual amenity of the area.

8.17 **Residential Amenity:**

Turning to the relationship between the proposed dwelling and the neighbouring properties, there would be a distance of approximately 10m between the side elevation of the new dwelling and the nearest part of building known as The Fields. This elevation of the new dwelling contains openings at ground and first floor levels. The Council's New Dwellings SPG specifies a distance of 10 from first floor windows and neighbouring boundaries in order to prevent overlooking of private amenity areas and the aforementioned windows would be within 6m of this neighbouring boundary. The ground floor window can be screened by boundary treatments and in order to ensure there is no overlooking of the Fields the upper floor window would be of angled or "oriel" type design. It would be orientated towards the front garden of the Fields and it is generally accepted a lesser degree of privacy is afforded to front gardens. This is particularly so here as the front garden of The Fields is open to view from the shared driveway that serves two other properties. Furthermore, the nearest part of The Fields is an integral garage and so there would be no significant or direct overlooking of neighbouring windows with regard to this property.

8.18 There would be a distance of approximately 18m between the nearest part of the footprint of the property and the boundary of Barnway on the opposite side of Milton Hill, with the same distance between upper floor windows in the north elevation of the new dwelling and the gable end elevation of Barnway with Milton Hill separating them. Barnway is a dormer bungalow orientated northward and as such its gable end facing Milton Hill is largely screened by a close boarded boundary fence and in any case there are no windows in this elevation. This relationship is compliant with the Council's New Dwellings SPG. The first floor window proposed in the scheme above the garage doors will face along Milton Hill and across the frontage of Barnway where privacy expectations are reasonably expected to be lower. The large glazed area proposed to the Milton Lane frontage will be screened in large part by retained landscaping along the boundary and will serve a non habitable space in the new dwelling (staircase/hall). No habitable room windows face the rear garden of Barnway.

8.19 The distance between the nearest part of the proposed dwelling and Grey Stones which is also situated on the opposite side of Milton Hill and orientated northward would be in excess of 21m which is acceptable.

8.20 A first floor roof terrace is proposed to the south of the property. This would be large enough to sit out on and it has potential to result in an adverse impact to the amenity of the occupiers of The Fields given the distance of just over 7m from the shared boundary. As such it is considered that a privacy screen is required along the southern side of the terrace. There would be a minimum distance of 12m between the terrace and the boundary of the front garden of Redwood to the east which benefits from trees and vegetation along the boundary which would help screen the development and a distance of 25m between the nearest part of the terrace and the corner of this property and this relationship is acceptable. In any case, the proposed dwelling is adjacent to the front garden area of Redwood and privacy

expectations are reasonably considered to be less in this area. The rear terrace would be closer to the highway boundary than the shared boundary with The Fields and whilst it will be screened by retained vegetation, it is considered that a privacy screen along this side will mitigate any perception of overlooking arising from it and potentially affecting the rear gardens of Greystones and Barnway. A planning condition can secure these screens.

8.21 Due to the steeply sloping nature of the site, the development would include retaining walls. These will work with the site topography and require excavation works to accommodate the tiered development. These retaining walls are required to enable the “building downward” of the proposed dwelling, setting its ground and lower ground levels into the slope rather than elevating them above the prevailing levels. Retaining walls would be sited sufficiently off the intervening boundary at a minimum distance of 1.5m and whilst their finish and design is pertinent to design considerations, they are not considered to adversely impact neighbouring amenity.

8.22 It is not considered that the proposals would result in a detrimental impact to neighbouring privacy or amenity subject to appropriate conditions. Furthermore, the proposed dwelling would provide a good standard of amenity for future occupiers. Although the usability of the rear garden would be limited by its terraced nature, it would still provide a good level of private outdoor amenity space. The Fields would retain large front and rear gardens as the development of this land, formerly belonging to The Fields, would not remove amenity space to the existing dwelling that would prejudice its amenity overall.

8.23 **Movement:**

As noted above, access to the site is currently from Milton Hill along a shared driveway. The proposal includes the formation of a new dedicated access to the property a short distance south of the current shared driveway. The Council’s Highways officer has confirmed the plans demonstrate that the required visibility splays are achievable and offers no objection subject to conditions to ensure that visibility splays are retained and to prevent gates from being erected within 5m of the edge of the carriageway.

8.24 In terms of parking provision, the property would be served by a double garage and a further parking space to the front and side of the property, therefore complying with the Council’s Parking Standards.

8.25 The proposals do not give rise to any highway safety concerns. However, given the nature of the site which is somewhat constrained and in view of neighbouring residential dwellings, it is considered necessary to include a condition to require full details of a construction method statement to be provided to ensure that adequate on-site provision is made for construction traffic and to reduce impact on residential amenity and the general amenity of surrounding occupiers.

8.26 **Drainage:**

Dwr Cymru – Welsh Water confirm that there is capacity within their system to receive foul drainage.

8.27 There is no indication of above ground SUDs on the information contained within the application. The Council’s Landscape officer notes that service runs and SUDs will all need to lie outside the T3 (boundary Field Maple) root protection area and this will also be the case for the T2 Cedar.

8.28 It is considered pertinent to include a condition to require full details of foul and surface water drainage if planning permission is forthcoming.

8.29 **Biodiversity:**

The Council’s Ecology officer has been consulted and advises that no objections are offered to the proposals and that the proposed tree planting, hedgerow planting, and installation of bat and bird nest boxes, should compensate for loss of trees, and represent a net benefit for biodiversity. The proposals are not considered to result in an adverse biodiversity impact.

8.30 **Landscaping/ Trees:**

There are trees in and around the development site and they are contributors to the amenity of the street. A Tree Survey is provided with the application which identifies trees within the site which are to be retained, as well as lower value trees which are to be removed. A Field Maple adjacent to the boundary with Milton Hill warrants retention, as does a protected Cedar Tree to the west of the site. There has been some disagreement between officers and the applicant regarding the value of the Cedar Tree and it was initially proposed to fell it. However, the tree is protected by an order and officers are not supportive of its removal and the scheme has subsequently been amended with the dwelling reduced in scale so that the Cedar Tree can be retained. It is a healthy tree that is visible from public vantage points and contributes to the general landscape value of the plot and local area. The revised dwelling would be sited no nearer to the Cedar Tree than the previously consented scheme and officers are satisfied with this relationship. The Council's Tree officer offers no objections to the proposals but requests conditions to protect the trees during the construction phase. The Council's Ecology officer has referred to two protected trees indicated as removed on the proposed landscape layout. One was an Oak Tree and the Tree officer has confirmed that as this was dead its removal was acceptable. The other is the Cedar Tree which is no longer proposed to be felled. Replacement planting to compensate for the loss of the Oak Tree has been agreed as part of this application. It is shown on the Landscape layout and can be secured by condition.

8.31 The application is supported by a Landscape layout which shows levels, boundary treatment, tree/hedge retention, new planting and an outline planting and maintenance specification. As noted above, the applicant has also clarified that existing landscape features such as the vegetation along the northern boundary are to be retained with a new fence along the inside of the hedge. Whilst there would be some landscape loss as a result of the opening up of the access, this has been minimalised insofar as is possible and other important landscape features such as protected trees are to be preserved. The Council's Landscape officer confirms no objections are offered to the proposals and it is considered that the proposals are acceptable from a tree and landscape perspective.

8.32 **Heritage:**

As noted above, the site is in close proximity to a grade II listed building, Great Milton; the list description states that it was listed "*as a good example of a sub-medieval Monmouthshire farmhouse.*" As such, the impact of the proposal upon its setting is of considerable importance. By reason of separation distance between the application building and the listed building itself, the proposal will not be viewed directly alongside the listed building but will clearly form part of the foreground to views as you travel along the one way system. Intervening landscaped boundary and grassed areas ensure that the general character of the listed building and its setting are maintained and the design of the proposed dwelling is considered to be more sensitive to the nearby listed building and preferable to the previously approved scheme. It has clearly shown regard to the design of the larger listed building and has incorporated sympathetic design features and finishes that will not jar with the listed building setting. Early concerns in relation to design have led to positive changes that have added value to the scheme overall. The treatment of the driveway and parking is also considered to be improved with the area of hardstanding reduced.

8.29 The Council's Heritage officer offers no objections to the proposals subject to samples of external materials being submitted for approval. The proposals would preserve the special character of the listed building in accordance with local and national policy and the Historic Environment (Wales) Act 2023.

8.33 **Archaeology:**

The site is located within an archaeologically sensitive area and Glamorgan Gwent Archaeological Trust have advised that the proposal will require archaeological mitigation in the form of a watching brief. Subject to the inclusion of such a condition it is considered that the proposals would not result in an adverse archaeological impact.

8.34 Other Issues

Section 106 Planning Obligation matters

In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011-2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location. In this case, section 106 planning obligations are required to mitigate the impact of the development in accordance with the table below.

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
Regeneration and Economic Development	To provide a contribution to off site affordable housing	£3,212	Full Heads of Terms agreed	No

Administration Fee

In accordance with the Planning Obligations SPG (2020), a £200 administration fee is charged for monitoring the S106 agreement. This is to be paid upon signing of the legal agreement.

HEADS OF TERMS AGREED BY APPLICANT

The applicant has agreed to the above heads of terms.

9. CONCLUSION

- 9.1 The proposed development is considered to be acceptable design having regard to the changes made to the scheme during the course of application consideration, and would preserve the character and setting of the nearby listed building. It would not have a harmful impact on neighbouring residential amenity, or highway safety. Furthermore, the proposal is considered to represent sustainable development by delivering financial contributions towards affordable housing.
- 10.2 It is recommended that planning permission is granted with conditions and subject to the signing of a legal agreement.

10. RECOMMENDATION

GRANTED WITH CONDITIONS AND SUBJECT TO A SECTION 106 LEGAL AGREEMENT WITH DELEGATED AUTHORITY TO HEAD OF REGENERATION AND ECONOMIC DEVELOPMENT TO USE DISCRETION TO REFUSE IF NOT SIGNED WITHIN 4 MONTHS OF A RESOLUTION

01 The development shall be implemented in accordance with the following plans and documents: 1990-PL04 E Proposed Lower Ground Floor and Ground Floor Plans, 1990-PL05 E Proposed First Floor and Roof Plans, 1990-PL06 H Proposed Lower Ground Floor-Site Plan, 1990-PL07 I Proposed Ground Floor-Site Plan, 1990-PL09 G Proposed Elevation-01, 1990-PL10 G Proposed Elevation-02, 1990-PL12 E Bird and Bat Boxes, Landscape layout RAL405-01 Issue 03, Tree Report 6/11/2024 by James Pinder. Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

Pre- commencement conditions

02 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource and in accordance with Policy CE6 of NLDP.

Pre – construction conditions

03 No work shall be commenced on the construction of the approved scheme until details/samples of materials and finishes to be used on the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out using the approved materials and retained for lifetime of development.

Reason: To ensure that the development is completed in a manner compatible with its surroundings in accordance with Policies GP6 and CE5 of NLDP.

04 Prior to the commencement of development full details of all boundary treatments shall be submitted to the Local Planning Authority and written approval received. The development shall be carried out in accordance with the approved details and retained as such for lifetime of development. The dwelling shall not be occupied prior to the approved boundary treatments being provided on site.

Reason: In the interests of neighbouring amenity, tree protection and highway safety and in accordance with Policies GP2, GP5 and GP4 of NLDP.

05 No development shall commence until full details of all retaining walls have been submitted to and approved in writing by the local planning authority. These details shall include full sectional details, materials and finishes along with structural calculations and tree impact mitigation. The development shall be completed in accordance with the approved details prior to the first occupation of the dwelling as hereby approved and shall thereafter be permanently maintained thus.

Reason: In the interests of visual amenity and tree protection in accordance with Policies GP5 and GP6 of the NLDP.

06 Prior to the commencement of development full details of foul and surface water drainage shall be submitted to the Local Planning Authority and written approval received. The development shall be carried out in accordance with the approved details and retained thus in perpetuity. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To ensure the site is suitably drained in accordance with Policy GP3 of NLDP and to ensure the provision of drainage does not adversely impact existing or proposed landscape features.

07 No development, to include demolition, shall commence until a Tree and landscaping Protection Plan (in accordance with BS 5837:2012) has been submitted and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved Tree and landscaping Protection Plan in relation to T2, T3 and G1 and the existing landscaping features along the northern boundary of the site adjacent to Milton Hill.

Reason: To protect important landscape features within the site and in the interests of tree protection in accordance with Policy GP5 of NLDP.

08 No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until the Root Protection Barrier fencing has been installed in relation to T2, T3 and G1 as identified in the Treecare Consulting (James Pinder) Tree report 6/11/2024. There shall be no excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area. All weather notices shall be erected on Heras fencing, 1 per 10 panels,

stating 'CONSTRUCTION ZONE, NO ACCESS.' The fencing shall be retained for the full duration of the development, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To protect important landscape features within the site.

09 No development, to include demolition, shall commence until an Arboriculturalist has been appointed, as first agreed in writing by the Local Planning Authority, to oversee the project (to perform a Watching Brief) for the duration of the development and who shall be responsible for –

- (a) Pre construction site meeting
- (b) Signing off the tree root protection barrier
- (c) Ensuring compliance with the method statement and process stages in relation to T2 and T3 and G1 Treecare Consulting (James Pinder) Tree report 6/11/24
- (d) Oversee working within any Root Protection Area including landscaping;
- (e) Reporting to the Local Planning Authority;
- (f) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Council's Tree Officer.

Reason: To protect important landscape features within the site in accordance with Policy GP5 of the NLDP.

10 No work shall be commenced on the construction of the approved scheme until full details of the stairwell glazing (central atrium glazed feature) and garage doors has been submitted to and approved in writing by the Local Planning Authority. The details shall include sections to show at least 150mm depth reveals for all openings in the front façade facing Milton Hill, materials to be used, colours and finishes to doors and frames and the incorporation of tinted glass to the central atrium glazed feature. The development shall then be carried out in accordance with the approved details and retained for lifetime of development.

Reason: To ensure that the development is completed in a manner compatible with its surroundings and in the interests of good design and the setting of the listed building in accordance with Policies GP6 and CE5 of NLDP.

Pre –occupation conditions

11 No works shall take place on the site at all until a method statement comprehensively detailing the phasing and logistics of construction has been submitted to and approved in writing by the Council as Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The method statement shall include, but not be limited to:

- Construction traffic routes, including provision for access to the site entrance/exit from the site for visitors/contractors/deliveries
 - Location of directional signage within the site
 - Siting of temporary containers
 - Parking for contractors, site operatives and visitors
 - Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction
 - Temporary roads/areas of hard standing
 - Schedule for large vehicles delivering/exporting materials to and from site and details of manoeuvring arrangements
 - Storage of materials and large/heavy vehicles/machinery on site
 - Details of street sweeping/street cleansing/wheelwash facilities
 - Details for the recycling/disposing of waste resulting from demolition and construction works
 - Hours of working
 - Phasing of works including start/finish dates.
 - Procedures for maintaining good public relations including complaint management, public consultation and liaison
 - Arrangements for liaison with the Newport City Council Noise & Neighbourhood Team
 - Measures for controlling the use of site lighting whether required for safe working or for security purposes.
 - Measures to mitigate demolition dust and material causing a nuisance to local residents, for example sheeting of loads and wheel washing apparatus
- For the avoidance of doubt all construction vehicles shall load/unload within the confines of

the site and not on the highway. The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Council as Local Planning Authority.

Reason: To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers in accordance with Policies GP2 and GP4 of the NLDP.

12 Prior to the first beneficial occupation of the dwelling hereby approved off road parking shall be provided in accordance with the approved plans and this shall include the provision of the integral garage spaces. All off road parking spaces shall be kept free of obstruction and available for the parking of vehicles for the lifetime of development.

Reason: To ensure there is adequate parking provision at the property and to mitigate pressure for additional buildings on the site should integral garaging be lost in the interests of highway safety, the setting of the listed building, visual amenity and neighbouring amenity in accordance with Policies GP2, GP6, CE5, SP9 and GP4 of NLDP.

13 Prior to the occupation of the dwelling privacy screens shall be installed along the northern and southern sides of the roof terrace in accordance with full details that have first been submitted to and approved in writing by the Local Planning Authority. These details shall include height, location, design and materials for the screens. The screens shall be retained for lifetime of development.

Reason In the interests of residential amenity in accordance with GP2 of the NLDP.

14 Prior to the occupation of the dwelling as hereby approved bird and bat boxes shall be installed in accordance with details shown on drawing no. PL12B. The bird and bat boxes shall be retained thereafter.

Reason: In the interests of biodiversity in accordance with GP5 of the NLDP.

General conditions

15 Any structures or planting within the visibility splay as shown on drawing no. PL07 Revision I shall not exceed a height of 600mm above carriageway level.

Reason: In the interests of highway safety and in accordance with Policy GP4 of NLDP.

16 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, E or F shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To ensure that a satisfactory form of development takes place, to protect the amenities of occupiers of adjoining properties and in the interests of the adjacent listed building and its setting in accordance with Policies GP2 and CE5 of NLDP.

17 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 2, no development within Class A shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To ensure that a satisfactory form of development takes place, to protect the amenities of occupiers of adjoining properties and in the interests of the adjacent listed building and its setting in accordance with Policies GP2 and CE5 of NLDP.

18 The driveway serving the dwelling hereby approved shall be hard paved for a minimum of 5m from the edge of the carriageway.

Reason: To prevent debris entering the highway in accordance with Policy GP4 of NLDP.

19 No gates or other form of barrier across the access shall be constructed.

Reason: To permit vehicles to pull clear of the carriageway when entering the site in the interests of road safety.

20 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.

21 No window or door openings (other than those shown on the approved plans) shall be formed in any elevation of the building hereby approved without the prior written permission of the Local Planning Authority.

Reason: To protect the privacy and perceived overlooking of adjoining residents in accordance with Policy GP2 of the NLDP.

NOTE TO APPLICANT

01 This decision relates to plan Nos: 1990-PL04 E Proposed Lower Ground Floor and Ground Floor Plans, 1990-PL05 E Proposed First Floor and Roof Plans, 1990-PL06 H Proposed Lower Ground Floor-Site Plan, 1990-PL07 I Proposed Ground Floor-Site Plan, 1990-PL09 G Proposed Elevation-01, 1990-PL10 G Proposed Elevation-02, 1990-PL12 E Bird and Bat Boxes, site location plan PL01A, PL02, PL03, Design Statement, Shadow Study, Design and Access Statement, Tree Report 6/11/24, Landscape layout RAL405-01 Issue 03.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP13, GP2, GP3, GP4, GP5, GP6, CE5, H4 and H6 were relevant to the determination of this application.

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 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

05 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.

06 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.

07 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), [CIfA regulations, standards and guidance | Chartered Institute for Archaeologists](#) and it is recommended that it is carried out either by a CIfA Registered Organisation or a MCIfA level accredited Member [Looking for an archaeologist? | Chartered Institute for Archaeologists](#).