

Delegated Decision Report

Application No:	25/0343	Statutory Period Expires:	1st July 2025
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Site:	Orchard House 11A Norman Street Caerleon Newport NP18 1BB		
Proposal:	S73 APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF 18/1236 REFURBISHMENT AND ALTERATIONS TO ORCHARD HOUSE TO CREATE 7NO. SELF-CONTAINED SUPPORTED LIVING APARTMENTS, DEMOLITION OF SELECTED OUTBUILDINGS AND CONSTRUCTION OF SINGLE STOREY COMMUNAL GARDEN PAVILION INCLUDING ASSOCIATED LANDSCAPING WORK. AMENDMENTS INCLUDE REDUCTION IN SIZE OF GARDEN PAVILLION		
Applicant:	J Page		
Type:	Renewals and Variation of Conditions	Ward:	Caerleon
Decision:	GRANTED WITH CONDITIONS SUBJECT TO THE SIGNING OF THE SECTION 106 LEGAL AGREEMENT		

1. BACKGROUND

- 1.1 Planning permission has been granted under application 18/1236 (27th January 2022) for the refurbishment and alterations to Orchard House to create 7no. self contained supported living apartments, demolition of selected outbuildings and construction of a community garden pavilion along with other associated works at the site.
- 1.2 A Non Material Amendment application (24/0726) was made for amendments to reduce the size of the approved garden pavilion and to update the tree protection plan and Arboricultural method statement. The application was Part Approved with Conditions and Part Refused, as per below;

01 Insofar as the applications relates to the updating of the approved Tree Information submitted, this is considered to be a Non Material Amendment to Condition 01, 06 and 10 and the application is approved.

02 Insofar as the application relates to the reduction in size of the garden pavilion, the scale of the proposed alterations amount to more than a Non Material Amendment and the application is refused.

2. SITE LOCATION AND CONTEXT

- 2.1 Orchard House is currently occupied by the National Autistic Society (NAS) who provide accommodation and associated services for adults with autism. The existing building is a large red brick Victorian house of an 'L' shape and provides 10 bedrooms, some with en-suite bathrooms, a number of communal lounges, kitchens and dining areas and, in some cases, more independent 'apartment' style living for residents.
- 2.2 The site is located centrally within Caerleon in a predominantly residential area and is approximately 1.46ha in size. It is largely screened from the surrounding area by mature trees and hedgerows. The site is bound by residential properties at Mill Street to the north, the residential Norman Street to the east, residential properties at Holmlea and Golcroft Court to the south and the Caerleon House nursing home to the west.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application is seeking to vary Condition 01 (Approved Plans & Documents) of planning permission 18/1236 and the proposed plans are seeking to reduce the size of the approved garden pavilion.
- 3.2 The context behind the change in pavilion design is to accommodate updated tree root protection areas, client requirements and limitations on supplier manufacturing requirements.

- 3.3 The amendment pavilion is located broadly in the approved location at the north western boundary but set further away from the boundary. It would measure 10.00 metres by 4.850 metres by a height of 2.60 metres to eaves and 4.20 metres to ridge. The pavilion will be timber clad and the roof covering will be laminated felt shingles in slate grey. The pavilion will be served by a low ramp with rails and will have an internal layout comprising of entrance lobby, W/C and communal activity space. Patio doors will open onto a sheltered external terrace.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
18/1236	REFURBISHMENT AND ALTERATIONS TO ORCHARD HOUSE TO CREATE 7NO. SELF-CONTAINED SUPPORTED LIVING APARTMENTS, DEMOLITION OF SELECTED OUTBUILDINGS AND CONSTRUCTION OF SINGLE STOREY COMMUNAL GARDEN PAVILION INCLUDING ASSOCIATED LANDSCAPING WORK.	GRANTED WITH CONDITIONS	27.01.2022
24/0726	NMA APPLICATION TO VARY CONDITIONS 1 (APPROVED PLANS), 6 (TREE PROTECTION PLAN) AND 10 (ARBORICULTURAL METHOD STATEMENT) OF 18/1236 REFURBISHMENT AND ALTERATIONS TO ORCHARD HOUSE TO CREATE 7NO. SELF-CONTAINED SUPPORTED LIVING APARTMENTS, DEMOLITION OF SELECTED OUTBUILDINGS AND CONSTRUCTION OF SINGLE STOREY COMMUNAL GARDEN PAVILION INCLUDING ASSOCIATED LANDSCAPING WORK. AMENDMENTS INCLUDE REDUCTION IN THE SIZE OF GARDEN PAVILION BUILDING AND UPDATES TO TREE PROTECTION PLAN AND ARBORICULTURAL METHOD STATEMENT	PART APPROVED WITH CONDITIONS AND PART REFUSED	19.07.2024
24/1014	NMA APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF 18/1236 REFURBISHMENT AND ALTERATIONS TO ORCHARD HOUSE TO CREATE 7NO. SELF-CONTAINED SUPPORTED LIVING APARTMENTS, DEMOLITION OF SELECTED OUTBUILDINGS AND CONSTRUCTION OF SINGLE STOREY COMMUNAL GARDEN PAVILION INCLUDING ASSOCIATED LANDSCAPING WORK. AMENDMENTS INCLUDE INSTALLATION OF PV PANELS AND AOV, REMOVAL OF EXISTING DORMERS TO REAR ELEVATION AND INSTALLATION OF 2NO. CANOPIES	PART APPROVED WITH CONDITIONS/ PART REFUSED	14.02.2025
24/1012	PARTIAL DISCHARGE OF CONDITION 3 (BIO DIVERSITY CONSTRUCTION METHOD STATEMENT) OF 18/1236 REFURBISHMENT AND ALTERATIONS TO ORCHARD HOUSE TO CREATE 7NO. SELF-CONTAINED SUPPORTED LIVING	APPROVED	05.06.2025

	APARTMENTS, DEMOLITION OF SELECTED OUTBUILDINGS AND CONSTRUCTION OF SINGLE STOREY COMMUNAL GARDEN PAVILION INCLUDING ASSOCIATED LANDSCAPING WORK		
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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 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

SP1, SP9, GP2, GP4, GP5, GP6, GP7, CE6, CE7, T4

5.4 SUPPLEMENTARY PLANNING GUIDANCE

NONE.

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales: No objection.

6.2 Welsh Water Dwr Cymru: No objection.

6.3 CADW: No objection.

6.4 Glamorgan Gwent Archaeological Trust: No response.

6.5 Newport Access Group: No response.

6.6 Regional Ambulance Officer: No response.

6.7 Highways: No objection.

6.8 Tree Officer: No objection.

6.9 Principal Heritage Officer: No response.

6.10 Ecology: No response.

6.11 Drainage: No response.

6.12 Landscape: No objection.

6.13 Environmental Health: No response.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 12th May 2025.

7.1 NEIGHBOURS: 28no. properties were consulted and 1no. response has been received raising concerns about parking and noise issues.

7.2 COUNCILLORS HUGHES/COCKS/BAKER-WESTHEAD: No responses received.

7.3 CAERLEON CIVIC SOCIETY: No response received.

8. ASSESSMENT

8.1 Principle of Development:

8.1.1 Following the approval of planning permission on 08/04/2021 there is not considered to be any significant Local or National policy planning policy change that would need to be given consideration to this application over and above those previously considered.

8.2 Visual Amenity/ Character and Appearance;

8.2.1 The revised pavilion is of a smaller scale and height and is located within a broadly comparable location. From a design perspective, the outbuilding is generally considered to be acceptable and would have less of an impact within the site than that previously approved.

8.2.2 The Council's Principal Heritage Officer has not responded to the consultation, however in terms of the impact on the Caerleon Conservation Area this is considered to be neutral. The pavilion is not visible, or has very limited visibility, from public vantage points and the character and appearance of the Caerleon Conservation Area is considered to be preserved.

8.2.3 The neighbour responses raised concern regarding noise and disturbance due to the proximity of their property to the site entrance. The wider impact on neighbouring properties was considered within the previous assessment of the full planning application 18/1236. This proposal relates solely to the reduction in size and height of the pavilion and this is not considered to cause any impact on residential amenity.

8.2.4 It is considered that the proposal complies with Policy CE7, GP6 and SP9 of the NLDP 2011-2026 (adopted January 2015).

8.3 Residential Amenity:

8.3.1 In terms of neighbouring residential amenity, the location of the pavilion is within close proximity to the boundary shared with the residential property known as Plas Newydd. The revised scheme sets the pavilion further away from this boundary than approved, the building is smaller and also lesser in height.

8.3.2 As such, the impact on residential amenity is acceptable and the proposal complies with Policy GP2 of the NLDP 2011-2026 (adopted January 2015).

8.4 Impact on Landscape Features

8.4.1 The proposed revised location of the pavilion is stated as being to accommodate the root protection area of trees within the site. An updated Tree Protection Plan and Arboricultural Method Statement was submitted and approved under Non Material Amendment application 24/0726 and the revised location of the pavilion would now tie in with those documents.

8.4.2 The Council's Tree Officer has confirmed no objection and the proposal is considered to comply with Policy SP9 and GP5 of the NLDP 2011-2026 (adopted January 2015).

8.5 Highway Safety:

8.5.1 The neighbour responses raises concerns over parking and the existing parking situation. The proposal would not result in any impact on parking or highway safety over and above the previously approved scheme. The Council's Highways Officer has confirmed no objection to the proposed development.

8.5.2 The proposal complies with Policy GP4 of the NLDP 2011-2026 (adopted January 2015).

8.6 Section 106 Planning Obligation Matters:

8.6.1 In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Reg 122 of these regulations sets out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

In this case, the developer has provided information in relation to the viability of the planning obligations relevant to the scheme...(officers must explain what information received, what viability issues raised and our assessment of them, how has this affected the planning obligation agreed by officers)?

a) Necessary to make the development acceptable in planning terms; (the obligations of the Section 106 Agreement are necessary to ensure adequate education provision, secure affordable housing on site, provide sufficient open space and ensure its continued maintenance, monitor air quality, promote local employment benefits, secure appropriate long-term marketing of the retail/ commercial units and to improve accessibility for vehicles and pedestrians to/ from the development to ensure policy compliance.)

b) Directly related to the development; (the obligations of the Section 106 Agreement are directly related to the development.)

and

c) Fairly and reasonably related in scale and kind to the development (the obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure the aforementioned contributions for the development of this strategic site).

8.6.2 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.

8.6.3 The S106 obligations below are based upon the assumption that all the dwellings are affordable. As such, Council policy stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations. However, in order to protect the Council's position in the event that any of the units are sold on the open market, the following provisions have been safe guarded;

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 on site affordable housing	40% affordable housing on site.	Yes	No

Education	To safeguard Financial contribution towards Primary and Secondary School	Primary School (Charles Williams) £19,034. Secondary School (Caerleon Comprehensive) £29,741.	Yes	No
Leisure	To safeguard the leisure contribution towards the existing deficit of equipped and formal play provision in the Caerleon Ward	£1,821 per 1no. bedroom open market unit. £3,816 per 2no. bedroom open market unit.	Yes	No

HEADS OF TERMS

8.6.4 Agreed by applicant.

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 proposal is considered to be acceptable and complies with the relevant Newport Local Development Plan 2011-2026 (adopted January 2015) policies.
- 10.2 The application is granted with conditions (subject to the signing of the Section 106 Legal Agreement).

11. DECISION

GRANTED WITH CONDITIONS SUBJECT TO THE SIGNING OF THE SECTION 106 LEGAL AGREEMENT

01 The development shall be implemented in accordance with the following plans and documents: 3258;-PEN-ZZ-00-DR-A-7000-B1-C4-Pavilion - General Arrangement;3258-PEN-ZZ-ZZ-DR-A-1003-B1-C7-Proposed Site Plan; 3258-PEN-ZZ-ZZ-DR-A-7001-B1-C3-Pavilion - Elevations

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

Soft Landscaping Details

02 Prior to the commencement of development, other than demolition, is commenced, written approval of the Local Planning Authority is required to a scheme of hard and soft landscaping and tree planting for the site (indicating the number, species, heights on planting and positions of all trees and shrubs). The approved scheme 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 that development. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule to be submitted with the landscaping details. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to March inclusive.

Reason: To ensure a suitable scheme of landscaping and tree planting is secured. Policy GP5.

Ecological Enhancement

03 Notwithstanding the information submitted prior to the commencement of development a scheme of ecological enhancement shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented fully as agreed prior to the occupation of any of the supported living apartments.

Reason: To provide net benefit in accordance with NLDP Policy GP5, Planning Policy Wales and Section 7 of the Environment (Wales) Act 2016

CEMP

04 The development shall be undertaken in accordance with the Construction Environment Management Plan (CEMP) approved under discharge of conditions application 24/0476 or in accordance with any other CEMP as may be submitted to and agreed in writing by the LPA. The agreed CEMP shall be adhered to at all times during construction of the development.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity, highway safety and air quality are protected in accordance with Policy GP2, GP4 and GP7.

Biodiversity Construction Method Statement

05 The development shall be undertaken in accordance with the Biodiversity Construction Method Statement approved under discharge of conditions application 24/1012 or in accordance with any other Biodiversity Construction Method Statement as may be submitted to and agreed by the LPA in writing. The works shall be undertaken fully in accordance with any agreed construction method statement.

Reason: In the interests of protecting European Protected Species in accordance with Policy SP9 and GP5.

Root Protection Barrier

06 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 Root Protection Barrier fencing has been installed in accordance with the approved Tree Protection Plan. 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 placed on the approved root protection fencing no less than every 15m stating 'CONSTRUCTION EXCLUSION 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.

Once erected the approved Tree Consultant should provide written, dated and signed confirmation that the fencing has been installed as detailed in the Tree Protection Plan.

Reason: To protect important landscape features within the site. Policy GP5.

Tree Protection Plan

07 No development, including demolition, shall commence until the measures identified on "Drawing No. 24-038 – Tree Protection, Retention & Loos Plan Orchard House (June 2024)" submitted by Steve Ambler and Sons Tree Specialists Ltd have been implemented on site. The measures shown on the approved plan 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 the important landscape features within the site in accordance with Policy GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

Pre –occupation conditions

Parking and Refuse Provision

08 Prior to first occupation the provision of the proposed parking layout and refuse store as shown on the approved plans shall be made available for use and retained in that state thereafter.

Reason: In the interests of highway safety and amenity. Policy GP2, GP4 and T4.

General conditions

Arboricultural Method Statement

09 The detailed Arboricultural Method Statement as submitted by Steve Ambler and Sons Tree Specialists Ltd (8th August 2024) must be fully complied with.

The development shall be carried out in full compliance with the Arboricultural Method Statement unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect important landscape features within the site. Policy GP5.

Use of Pavilion

10 The garden pavilion shall at no time be used as separate residential accommodation and the sleep over room shall be used by non-resident staff only in a capacity incidental to the main use of Orchard House.

Reason: In the interests of protecting residential amenity of neighbouring properties. Policy GP2.

NOTE TO APPLICANT

01 This decision relates to plan Nos: 3258_3.1_2025.05.02 S73 Cover Letter (PP-13991396)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, GP2, GP4, GP5, GP6, GP7, CE6 were relevant to the determination of this application.

03 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.