

Delegated Decision Report

Application No:	26/0264	Statutory Period Expires:	3rd June 2026
Site:	<i>Mill House Mill Lane Castleton Cardiff CF3 2UT</i>		
Proposal:	<i>PROPOSED DETACHED DWELLING WITH DETACHED GARAGE AND ASSOCIATED WORKS</i>		
Applicant:	<i>S Smith</i>		
Type:	Full	Ward:	Tredegar Park And Marshfield
Decision:	GRANTED WITH CONDITIONS SUBJECT TO SIGNING OF THE LEGAL AGREEMENT WITH DELEGATED POWERS AND DISCRETION TO REFUSE IN THE EVENT THAT THE AGREEMENT IS NOT SIGNED WITHIN FOUR MONTHS OF THE COUNCIL'S RESOLUTION TO GRANT PLANNING PERMISSION		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is located within the village boundary, adjacent the Green Wedge and designated countryside. It is noted that the extent of land ownership outlined in blue, extends beyond the proposed development site curtilage as indicated by the red edge drawing. The site topography steeply declines from Mill Lane. The proposed dwelling is flanked by existing residential properties to the east and west set within large grounds. Mill Lane is a single width access lane linking to the A48.

3. DESCRIPTION OF DEVELOPMENT

3.1 Subdivision of existing residential curtilage and the erection of a two storey detached five-bedroom dwelling with garage, landscaping and vehicle access onto Mill Lane. The site features an area of hard landscaping forming the parking and turning area forward of the principle elevation. The rear features a sloping lawn leading to the watercourse in the north of the plot. The public right of way is retained to the east.

4. RELEVANT SITE HISTORY

None.

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

5.3 Technical Advice Note 5 – Nature Conservation and Planning

Technical Advice Note 12 – Design

Technical Advice Note 24 – The Historic Environment

5.4 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- SP1 – Sustainability

- SP5 – Countryside
- SP7 – Green Wedge
- SP9 – Conservation of the Natural, Historic and Built Environment
- SP13 – Planning Obligations
- GP2 – General Amenity
- GP3 – Service Infrastructure
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- H4 – Affordable Housing
- H6 – Sub-division of Curtilages, Infill and Backland Development
- T4 – Parking
- T7 – Public Rights of Way and New Development
- W3 – Provision for Waste Management Facilities in Development

5.5 SUPPLEMENTARY PLANNING GUIDANCE

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

5.6 Historic Environment (Wales) Act 2023

6. CONSULTATION RESPONSES

6.1 Principal Heritage Officer: I have no concerns regarding potential for impact upon the setting of the GII Listed Coach and Horses PH (Cadw ref: 2933), it is located some way to the north-east, with ample intervention from development and mature trees. HER notes the site of former corn mill somewhere in area. This is likely to be located on (or nearby) the site of present-day Mill House. The adjacent mill pond (recorded 1839) is now apparently lost. I will defer to Heneb regarding potential for impact upon belowground heritage assets. SM MM131 (Wentlooge Castle) is located some 50 metres to the south of the site. According to Cadw: "The monument comprises the remains of a motte dating to the medieval period (c. 1066 - 1540 AD). The site consists of a steep-sided flat-topped circular mound around 5m high, measuring around 25m in diameter across the base and 14m across the summit. The motte has been landscaped and turned into a garden feature, with a path created up the S side of the mound to the summit which has been levelled and a seating area and flower beds formed. The sides of the motte are covered in Rhododendrons and yew trees. The monument is of national importance for its potential to enhance our knowledge of medieval defensive practices. The monument is well-preserved and an important relic of the medieval landscape. It retains significant archaeological potential, with a strong probability of the presence of both structural evidence and intact associated deposits. The scheduled area comprises the remains described and areas around them within which related evidence may be expected to survive." Due to the scale and form of the proposed development and separation from the historic site resulting from modern two-storey development to the south of Mill Lane, it seems unlikely that the proposed will impact upon the way in which this historic asset is experienced, understood, and appreciated. Though I will also defer to the expertise of Cadw in this matter.

6.2 Ecology Officer: No response.

6.3 Landscape Architect: NO OBJECTION SUBJECT TO CONDITIONS

Comments: A professional tree survey and impact assessment has been undertaken, losses are minimal.

The post and rail fencing to stream and public right of way boundaries is suitable.

The existing hedge to the frontage (south boundary) will be retained and bolstered by new planting.

Planting of native mixed hedges to the east (right of way) and west boundaries, in addition to small garden trees and pollinator planting is welcome but requires further detailing so that proposals have more certainty and to ensure right plant-right place.

Recommendation: Further details are required to be submitted for approval and can be conditioned:

♣ Soft Landscape/Planting Plan showing planting type, species, size, density.

It is advised that a suitably qualified landscape specialist/professional is used to satisfy the above.

- 6.4 Public Rights of Way Officer: No response.
- 6.5 Tree Team: No response.
- 6.6 Planning Contributions Manager: Planning contributions required.
- 6.7 Environmental Health Officer: No response.
- 6.8 Drainage Manager: No response.
- 6.9 SAB Officer: Having reviewed the submitted information, a SAB application may not be required but if there are any external works exceeding 100square metres then we would encourage the applicant to visit the Councils webpage for further information.
- 6.10 Waste Manager: No response.
- 6.11 Newport Access Group: No response.
- 6.12 Heneb: Thank you for consulting us about this application; consequently we have reviewed the detailed information contained on your website and can confirm that the proposal requires archaeological mitigation.

The information in the Historic Environment Record (HER) curated by this Trust indicates that the proposal is to the north of Wenloog Castle, a Scheduled Monument (Cadw ref. MM131), and we note Cadw's response to the application. The monument comprises the remains of a motte dating to the medieval period (c1066 -1540AD). The site consists of a steep-sided flat-topped circular mound around 5m high, measuring around 25m in diameter across the base and 14m across the summit. The monument is of national importance for its potential to enhance our knowledge of medieval defensive practices. The monument is well-preserved and an important relic of the medieval landscape. It retains significant archaeological potential, with a strong probability of the presence of both structural evidence and intact associated deposits. There is also the possibility that the castle mound may have been enclosed by a moated area; the anaerobic conditions have been known from other sites to have preserved organic material.

As a result we have previously recommended archaeological work for applications in the vicinity, and it is possible that the requisite groundworks for the current application will encounter archaeological remains.

Therefore, 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), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

- 6.13 Highways Officer: Not supported. Highway Comments: Following receipt of amended access proposals, we would update our comments as follows. The amended location is accepted as being the optimum position, but the hedges have not been relocated. It is suggested that they could be maintained at 600mm. Firstly the visibility splay extends beyond the red line, complicating the potential to condition this. Secondly experience shows this would not be maintained or practical. The identified visibility splay is based on an assumption that all vehicles travel along the centre line. This is not a safe assumption and is only true for cars or larger vehicles. An offset from the carriageway edge would however be acceptable and reasonable. It is accepted that the lane would have low speeds and infrequent movements, but it is not wide enough to allow vehicles to pass if exiting vehicles creep out, which prevents relaxation of standards. Pedestrian visibility has now been addressed satisfactorily, but vehicular visibility is below standard. We note however that the lane is punctuated with drives with poor visibility and not used for through traffic. On that basis we do not offer any formal objection, subject to the following conditions.

Suggested conditions: Before the access is used for vehicular purposes, that part of the access extending from the nearside edge of the carriageway of Mill Lane for a minimum distance of 5 metres into the site shall be appropriately paved in a bound material such as tarmacadam, concrete, block pavements or other material approved in writing by the Council as Local Planning Authority. Reason: To prevent loose surface material/debris from being carried on to the public highway thus causing a potential source of danger to other road users in the interests of road safety. No part of the development hereby approved shall be occupied until the visibility splays defined on Drawing No. 24991_700 01 are cleared of all obstructions to visibility exceeding 600mm in height above carriageway level. The visibility splays shall subsequently be maintained free of any visual obstruction thereafter. Reason: To ensure adequate visibility at the street junction or site access in the interests of road safety.

- 6.14 CADW Ancient Monuments:
Advice

Having carefully considered the information provided, we have no objection to the proposed development in regards to the registered historic park and garden listed in our assessment of the application below.

The national policy and Cadw's role in planning are set out in Annex A.

Assessment

Scheduled Monument

MM131 Wentloog Castle

This planning application is for a detached dwelling and garage at Mill House, Mill Lane, Castleton, Cardiff, CF3 2UT.

The above designated historic assets are located inside 500m of the proposed development.

The proposed development is located some 45m north of scheduled monument MM131 Wentloog Castle. The monument comprises the remains of a medieval earthwork castle. The site consists of a steep-sided flat-topped circular mound around 5m high, measuring around 25m in diameter across the base and 14m across the summit.

The motte has previously been landscaped and turned into a garden feature, with a path created up the south side of the mound to the summit which was been levelled and a seating area and flower beds formed. This garden has now fallen into disuse. The sides of the motte are covered in Rhododendrons and yew trees. The castle was located to control the dryland immediately to the north of the Wentloog Level. The significant views were therefore southwards in an arc from northeast to southwest. The landscape surrounding the castle has been significantly altered, initially by the construction of a large Victorian House (later turned into a hotel immediately to the southeast of it. This building has since been demolished and replaced with a modern housing estate.

The proposed development is for a two-storey detached house and detached garage.

The proposed development is not located in the significant view from the castle and is only visible from it in one very limited view between other two storey houses on the opposite side of Mill Lane. As such whilst there may be a very slight visual change in the view from the monument this will not have any effect on the way that it is experienced, understood and appreciated. Consequently, the proposed development will not have an unacceptably damaging effect upon the setting of scheduled monument MM131.

6.15 Dwr Cymru/Welsh Water:

SEWERAGE

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 drainage, as of 7th January 2019, this proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. In the event this proposed development amounts to a total impermeable area of 100sqm or more, approval of Sustainable Drainage Systems (SuDS) features will be required in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. In this instance, we offer no objection to proposals for disposal of surface water flows into a surface water body, in principle, subject to consultation and agreement with the regulatory body or riparian owner of this system.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions 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.

Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes

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 12) 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.

7. PUBLIC REPRESENTATIONS

Neighbour notification letters were sent on the 9th April 2026 and a Site Notice was put up on the 17th April 2026.

7.1 NEIGHBOURS: 2no. comments (1no. objection, 1no. representation):

- This property is on a very narrow lane, vehicle access is limited to a single vehicle, therefore delivery lorries constantly block access to my home. When the last development was agreed on by the Council, the Council said that it would be the last development to be allowed. Mill House should be preserved as is albeit renovated with new garage.
- Whilst we do not object to the application we have some comments relating to the construction. Mill Lane is very narrow and our property forms the direct boundary on one side of the lane. When previous properties have been built on Mill Lane we have suffered from large vehicles and plant passing through the narrow lane. In the past these vehicles have hit the side of our house, damaging window sills etc. and we have also had to help vehicles reverse as they overestimate the width of the lane. We would ask therefore for some reassurance that there is a restriction on the size of vehicle that can be used to deliver materials and plant to the site, as the lane cannot accommodate all vehicles. We simply want to protect the road surface of the lane, the boundary trees and hedges and the external walls, windows and sills of our house as we fear they could be damaged during the construction.

7.2 Marshfield Community Council: No response.

8. ASSESSMENT

8.1 Principle of Development:

8.1.1 The application site forms part of the curtilage of an existing dwelling house known as Mill House which is sited within the village boundary of Castleton. Therefore, all the proposed development is located within a settlement boundary and the principle of development is acceptable in accordance with Policy SP1, subject to other material planning considerations.

8.2 Impact upon the Countryside

8.2.1 The submitted site location includes a blue edge and red edged areas. The area subject of development lies entirely within the red edge drawing which lies within the settlement boundary. No development is proposed to areas outside of the red edge. The proposed dwelling would be viewed in the context of the existing residential area accessed from Mill

Lane and therefore would not result in any adverse impact upon the wider countryside setting or loss of open countryside character.

- 8.2.2 At the rear and eastern boundary, a post and rail fence with native planting, and further native planting are proposed respectively. These elements are considered to bolster the local green infrastructure and integrate with the countryside character north of the application site. The proposal accords with Policy SP5.

8.3 **Impact upon the Green Wedge**

- 8.3.1 The Green Wedge area lies outside of the red edge site location plan, as such no development is proposed within any areas of the Green Wedge. The proposed site location plan shows the dwelling being set off the rear curtilage boundary by approximately 8.6m, with the Green Wedge lying beyond this point. The separation distance of the dwelling from the rear boundary ensures that the scheme would not result in any development to prejudice the purpose of the Green Wedge to prevent coalescence and maintain openness. The sympathetic boundary treatments further compliment the neighbouring land use designations. The proposal accords with Policy SP7.

8.4 **Impact upon Ecology**

- 8.4.1 The application is supported by a Green Infrastructure Statement which references the Step-Wise approach using the DECCA framework. The GIS sets out how the proposal has sought to minimise its effects upon existing green infrastructure and provides methods to enhance onsite biodiversity to achieve a net gain. This is in the form of bird and bat boxes, additional green infrastructure and a hedgehog home.
- 8.4.2 The information submitted has demonstrated that the context of the site and surrounding areas have been used to inform the level of enhancement provided. The Councils Ecologist has raised no objection to the scheme, and the proposal is considered to accord with Policy SP9, GP5, and the aims of Planning Policy Wales (Ed.12).
- 8.4.3 Given the proximity of the proposed works near a watercourse, it is considered that a Construction Environment Management Plan is required to ensure protection measures and storage protocols are in place during the construction phase.

8.5 **Impact upon Residential Amenity**

- 8.5.1 The proposal is a subdivision of an existing residential curtilage; following the division of the site, the existing dwelling of Mill House would have a curtilage of approximately 926sqm and the proposed dwelling 784sqm. Due to the scale of the new curtilage of Mill House, it is considered that there remains sufficient space for the use of any future occupants.
- 8.5.2 The proposed detached dwelling would have approximately 438sqm of private amenity space and the proposed dwellings footprint is approximately 174sqm. Therefore, the amount of private amenity space exceeds the minimum required by the New Dwellings SPG standards.
- 8.5.3 The proposed dwelling would be set off the common boundary with Mill house by 3.7m – 5m; and 2.6m – 4m with the common boundary of the public right of way, with the dwelling The Gardens being 5.5m – 6.9m. Due to the separation distance between the existing and proposed dwelling.
- 8.5.4 The topographical information as shown on the site plan confirms the proposed dwelling having a slightly lower finished floor level when compared to Mill House. Assessment of the topographical survey shows that alterations are proposed to the ground levels at the rear of the property levelling the rear amenity area and then declining sharply toward the watercourse. The section detail provided within drawing Proposed Section A-A, Proposed Detached Garage Plans and Elevations (Ref: 454-AL(99)04) shows land raising to a maximum of 0.9m. This has been calculated using the finished floor level of the proposed dwelling (34.4m) and the existing topography of 33.52m as shown on the section detail in the above drawing. The proposal contains no bund or retaining works details to understand how the changes in site levels will be managed. It is considered that the land raising would not give rise to an unacceptable impact upon neighbouring properties should further details confirm that the scheme has a suitable form of boundary treatment to protect privacy and amenity of all occupiers. Furthermore, the cumulative height of a low retaining wall along with

a suitable form of boundary treatment would not result in overbearing of neighbouring properties.

- 8.5.5 Should the made up ground be formed of site won material, no further information will be required. However, should the scheme require the importation of material to achieve the proposed topography, details of the materials shall be submitted to the Local Planning Authority to ensure the materials are certified clean and would not result in any adverse impact upon the water quality given the proximity to the existing water course.
- 8.5.6 The proposed dwelling has 1no. side elevation window at first floor to each side. Both windows serve ensuites; to ensure privacy for occupiers and neighbouring properties, a condition is attached to ensure the windows are obscure glazed to Pilkington Level 5 and remain as such for the duration of the use.
- 8.5.7 The ground floor level of the proposed dwelling is 1.6m lower than the level of the highway Mill Lane and the dwelling would be set back approximately 12m from the edge of the highway. Given the set back and site levels, it is considered that any views gained from the first floor proposed dwelling in a southerly direction would not adversely impact the privacy or amenity of existing properties to the south.
- 8.5.8 At the rear, the dwelling would have views of the associated private amenity space and the countryside beyond. The rear patio is considered to not result in any significant overlooking toward neighbouring properties.
- 8.5.9 The scale of the development, separation distances and orientation ensure that the proposal would not overlook, overshadow, or result in the loss of daylight or sunlight entering neighbouring properties.
- 8.5.10 The proposed garage is located 1m off the common boundary and is subservient in scale to the proposed dwelling. The orientation and roof pitch ensures any shadow created is minimal and would not affect neighbouring properties. The proposal accords with Policy GP2.

8.6 **Service Infrastructure**

- 8.6.1 The proposal would result in additional foul water flows; Dwr Cymru/Welsh Water have confirmed there is sufficient capacity within the existing main sewer network for the additional connection. Within the submitted application form and supporting information, this confirms that a mains drainage connection shall serve the foul drainage requirements however given the site levels a pumping station is required to link the site into the gravity fed system. There are no details included within the submission of the specific pumping station or its location within the site. The method of dealing with the foul drainage is acceptable in principle, however the specific details are secured by way of condition to ensure no other material planning considerations are effected by its siting.
- 8.6.2 With regard to surface water drainage, the scheme exceeds 100sqm of developable area and therefore is required to incorporate methods of sustainable drainage. The consideration and approval of such matters are controlled via the Flood and Water Management Act 2010. As such, to consider these matters further in the course of the planning application would be considered as a duplication of controls and no further assessment is provided.
- 8.6.3 It is noted that the submitted details indicate a surface water drainage outlet linking to the existing watercourse. As the water entering the potential surface water drainage system arises from water infiltration, the Local Planning Authority has no concern regarding pollution of the nearby watercourse.

8.7 **Impact on Highways and Parking**

- 8.7.1 The Highways Officer raises no objection and recommends the attachment of conditions relating to ensure the driveway is surfaced in a non-migratory material and that the visibility splays as shown on the proposed site layout do not have obstructions exceeding 0.6m in height at any time. The Highways Officer accepts that the vehicular access is the optimal position for the site layout. The visibility splay lies wholly within the red edge of the application site.

8.7.2 The Highways Officer notes that single width lane and that it is punctuated by existing driveways which have poor vehicular visibility. The proposed vehicular access has a width of 6.3m (including splays) with the splay mouth starting 1.5m from the edge of the highway. When taken in context of the low speeds vehicles would be transversing along Mill Lane and the visibility splay provided, the Highways Officer does not sustain an objection on highway safety grounds.

8.7.3 The site is located within Parking Zone 5, therefore the parking demand of 1 space per bedroom (maximum of 3no. spaces) required. The five bedroom property has a parking demand of 3no. spaces. The proposed layout includes a driveway and garage which can accommodate the required car parking spaces and still retain space to manoeuvre within the site and leave in a forward gear.

8.7.4 With regard to bicycle storage, the garage provides sufficient secure storage for at least 2no. bicycle as per the Sustainable Travel SPG document.

8.8 Impact upon the Character and Appearance of the Area

8.8.1 The area is characterised by large detached dwellings typically two storey, however the neighbouring property of The Gardens is a bungalow. The area has undergone piecemeal development over the course of time resulting in significant variation in design and finishes of dwellings. However, all designs are typical of residential areas ranging from mock Tudor through to mid twentieth century design.

8.8.2 The proposed dwelling measures approximately 16.3m (w) x 11.5m (d) x 8.3m (h); the material finishes are synthetic slates to the roof, white UPVC fascia and soffits, dark grey UPVC rainwater goods, white render with brick plinth detail, stone cill detailing and grey fenestration. The design and choice of materials are inoffensive and typical; as such the overall design would not result in harm on the wider character and appearance of the area and would integrate accordingly.

8.9 Waste and Recycling

8.9.1 The proposed garage contains sufficient space for the storage of waste and recycling. No objection has been received from the Waste Management Officer and is therefore considered to accord with Policy W3.

8.10 Impact on Public Rights of Way

8.10.1 The proposal retains the unrestricted access to the public right of way along its full length. Therefore, the proposal accords with Policy T7.

8.11 Impact upon Ancient Monuments and Listed Building

8.11.1 To the south of the application lies the Scheduled Ancient Monument of Wentlooge Castle which comprises of the remains of a motte dating to the medieval period (c1066 – 1540AD) and is a monument of national importance as it can enhance knowledge around medieval defence practices. Due to the significance of the scheduled ancient monument, it is considered necessary to secure a scheme of archaeological investigation by way of condition.

8.11.2 The application site lies approximately 200m from the Grade II Listed Building the Coach & Horses. The Principal Heritage Officer has raised no objection and confirms that the significance of the heritage asset would not be affected by the proposed development.

8.12 Response to Third Parties

8.12.1 The Highways Officer has raised no concerns regarding vehicular access to and from the site, but does acknowledge the restricted width of the lane. The delivery of materials to the site will need to consider the restricted width, hence the attachment of a condition for a Construction Environment Management Plan for the submission of details relating to delivery vehicles and how deliveries will be received, unloaded and stored.

8.12.2 No assessment within the previous consented nearby planning applications state no further development would be allowed in the area.

8.12.3 It is noted that concerns have been raised regarding damage to neighbouring properties during the construction phase. Details of the vehicles used to deliver materials and equipment to the site are secured by way of condition to ensure that the width of the lane is taken into account when delivering materials. Should any damage occur to third party land or property, this would be a private matter between those persons responsible and the relevant landowner.

8.13 Permitted Development Rights Restriction

8.13.1 In this case, given the proposals proximity to neighbouring dwellings and the presence of the watercourse in the north of the site, it is considered appropriate to restrict permitted development rights relating to extensions, alterations to the roof, outbuilding and means of enclosure. This is to ensure that if any further development occurs, that it would not result in an adverse impact upon the residential amenity of any neighbouring properties, or result in any adverse impact upon wider biodiversity or water quality.

8.14 Section 106 Planning Obligation matters

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:

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).

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 toward off site affordable housing.	A commuted sum of £3,212 toward off site affordable housing.	Agreed.	No.

HEADS OF TERMS AGREED BY APPLICANT

Section 106 Planning Obligations – Draft ‘Head’s of Terms’
(Without prejudice & subject to contract)

1. Introduction

Based upon a development of 1 x 4+ bed house, the following S106 planning obligations are required to mitigate the impact of the development.

2. Affordable Housing

Commuted sum payments for affordable housing will normally be sought on developments of one to two dwellings anywhere within Newport. The site lies within the Housing Target Area of Rural Newport. Rural Newport requires the delivery of 40% affordable housing on new development. The equivalent commuted sum generated is £3,212

This sum will be paid prior to occupation and index linked to the RPI.

Sum to be committed to be spent or spent within 5 years of receipt of last payment

3. Fees

Administration Fee

In accordance with the Planning Obligations SPG (2025), a £300 administration fee is charged for monitoring the S106 agreement. This is to be paid upon signing of the legal agreement.

Legal Fee

Planning Obligations can be contained in Unilateral Undertakings or s.106 Agreements. Unilateral Undertakings are usually drafted by the developer's solicitors, whereas s.106 Agreements are usually drafted by the Council's in-house solicitors (but there is no general objection to developers arranging for their own solicitors to draft the s.106 Agreement with prior agreement). Either way the developers will be responsible for the Council's legal costs incurred in relation to the process of drafting, approving and completing the s.106 Agreement and Unilateral Undertakings, including costs of title investigation which is necessary to ensure the correct parties enter into the Deed. There is a minimum contribution to legal costs of £700, although more time-consuming and complex documents would require an increased contribution to legal costs.

Please Note:

Planning Obligations can be contained in Unilateral Undertakings or Agreements. Unilateral Undertakings are usually drafted by the developer's solicitors, whereas Agreements are usually drafted by the Council's in house solicitors (but there is no general objection to developers arranging for their own solicitors to draft the Agreement if preferred). Either way the developers will be responsible for the Council's legal costs incurred in relation to the process of drafting, approving and completing any Deed of Obligation, including costs of title investigation which is necessary to ensure the correct parties enter into the Deed.

You are required to agree to these Heads of Terms in writing. In doing so you also agree to an extension of time for the determination of your proposal in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits)(Wales) Regulations 2015 and the Town and Country Planning (Development Management Procedure)(Wales) Order 2012. This will extend the statutory period for determination of your application by 16 weeks from the date the Local Planning Authority resolve to grant your planning permission (i.e. the Planning Committee date or the delegated Agenda date) subject to a legal agreement. This extension of time is required to enable completion of the section 106 Agreement (although the Local Planning Authority will endeavour to determine your application as soon as possible prior to this date).

Once your written agreement to the Heads of Terms for section 106 has been received by the Authority and a resolution made on the basis of such agreement, the Local Planning Authority will NOT enter into any negotiations that seek to alter the Heads of Terms in terms of discounting agreed figures due to, for example, viability reasons before the final Notice of Decision is issued. It is important that you check the Heads of Terms you receive thoroughly and if you have any questions regarding the figures included or the justification for them, you must raise these and satisfy yourself that the request is reasonable, relevant and necessary, prior to providing your written agreement to the Terms.

Any negotiations must take place before Heads of Terms are agreed by you and if you seek to discuss or re-negotiate section 106 Heads of Terms having agreed them in writing and having received a resolution (but not a decision notice), your application must be withdrawn to enable re-negotiation to take place. Failure to sign a section 106 within 3 months of any resolution being made may lead to your application being refused. Alternatively, you may proceed to complete the section 106, receive a Notice of Decision and then make a new submission to the Authority that will enable altered terms to be negotiated. Please be advised that any such re-submission will likely attract a new planning application fee.

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 infill dwelling is considered to accord with all relevant national and local planning policies.

11. DECISION

GRANTED WITH CONDITIONS SUBJECT TO SIGNING OF THE LEGAL AGREEMENT WITH DELEGATED POWERS AND DISCRETION TO REFUSE IN THE EVENT THAT THE AGREEMENT IS NOT SIGNED WITHIN FOUR MONTHS OF THE COUNCIL'S RESOLUTION TO GRANT PLANNING PERMISSION

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

- Proposed Site Access General Arrangement and Visibility Analysis (Drawing ref: 24991_700 Rev P01)
- Highways Technical Note (Received: 03.06.2026)
- Proposed Section A-A, Proposed Detached Garage Plans and Elevations (Drawing ref: 454-AL(99)04)
- Proposed Site Layout, Boundary Treatments & Outline Landscaping Plan (Drawing ref: 454-AL(90)03)
- Proposed Site Layout (Drawing ref: 454-AL(90)02)
- Tree Constraints Plan (Received: 08/04/2026)
- Drainage Strategy (Received: 08/04/2026)
- Green Infrastructure Statement (Received: 08/04/2026)
- Proposed Floor Plans (Drawing ref: 454-AL(99)03)
- Proposed Elevations (Drawing ref: 454-AL(99)02)
- Existing Mill House Floor Plans, Elevations and Site Sections (Drawing ref: 454-AL(99)01)
- Topographical Survey (Drawing ref: 454-AL(90)01)
- Site Location Plan (Drawing ref: 454-AL(90)00)
- Arboricultural Impact Assessment (Received: 08/04/2026)
- Tree Survey (Received: 08/04/2026)

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 The visibility splays as shown on drawing Proposed Site Access General Arrangement and Visibility Analysis shall have no means of enclosure nor vegetation exceeding 0.6m in height as measured from the highway edge for the duration of the use.

REASON: In the interest of highway and pedestrian safety in accordance with Policy GP4 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

03 No development, to include demolition, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following during development:

- dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition Activities;
- noise mitigation measures;
- details of temporary lighting;
- details of enclosure of working areas;
- a drainage strategy to operate setting out controls of contamination, including controls to surface water run off, water pumping, storage of fuels and hazardous materials, spill response plans and pollution control measures.
- pollution prevention and contingency measures.
- Construction vehicle parking, loading and offloading areas.

Development works shall be implemented in accordance with the approved CEMP.

Reason: To protect the amenities of nearby residents and in the interests of ecology in accordance with Policies SP9 and GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

04 Prior to the first use of the residential unit, the first floor side elevation windows shall have restricted openings to a maximum of 15cm and obscure glazed to Pilkington Level 5. Development shall only commence in accordance with the implemented details and retained for the duration of the use.

REASON: In the interests of residential amenity and privacy in accordance with Policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

05 Prior to the commencement of development above damp proof course level, details of the foul water pumping station and associated equipment and connections shall be submitted and approved in writing by the Local Planning Authority. Development shall be completed in accordance with the agreed details and retained for the duration of the use.

REASON: To ensure the site is served by adequate foul water management in accordance with Policy GP3 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

06 Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported onto the site.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

07 Prior to the erection of any retaining walls or structures along the common boundaries, elevations, sections and topography details shall be submitted to and agreed in writing by the local planning authority. Development of the retaining wall shall only commence in accordance with the agreed details and shall be retained as such for the duration of the use.

REASON: In the interests of residential amenity in accordance with Policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

08 Prior to the occupation of the dwelling hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the use is commenced and shall be retained thereafter.

Reason: In the interests of visual and residential amenity in accordance with Policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

09 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.

Reason: To ensure that the development is completed in a manner compatible with its surroundings.

10 Before the development, other than ground works, is commenced, written approval from the Local Planning Authority is required to a scheme of hard and soft landscaping which includes the 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. 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 April.

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner.

11 The use of the approved dwellinghouse shall not commence until the parking and turning area as shown on the approved drawings has been completed in accordance with the agreed details.

REASON: In the interests of highway safety and parking provision in accordance with Policies GP4 and T4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

12 The biodiversity enhancements as shown within the Green Infrastructure Statement shall be installed prior to the first use of the dwellinghouse and retained for the duration of the use.

REASON: To achieve a net gain in biodiversity in accordance with Planning Policy Wales (Ed.12).

13 Any vehicular access gates shall be set back from the highway boundary to a distance of 5.5m and shall be inward opening only. The gates shall be retained in this state thereafter.

Reason: In the interests of highway safety in accordance with Policy GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

14 The driveway shall be surfaced in a permeable non-migratory material for a minimum distance of 5m measured from the nearside edge of the carriageway, or if an impermeable material is used, surface water runoff shall be managed within the site and shall not drainage onto the adjacent highway of Mill Lane.

REASON: In the interests of highway safety in accordance with Policy GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

15 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 in accordance with Technical Advice Note 24 – The Historic Environment and Policy SP9 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

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, no development within Part 1 Classes A, B, C, E nor Part 2, Class A and B 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 to protect the character of the area.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP5, SP7, SP9, SP13, GP2, GP3, GP4, GP5, GP6, H4, H6, T4, T7 and W3 were relevant to the determination of this application.

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