

Delegated Decision Report

Application No:	26/0528	Statutory Period Expires:	12th October 2026
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Site:	<i>The Talisman, Catsash Road, Newport NP18 2LZ</i>		
Proposal:	<i>S73 APPLICATION TO VARY CONDITIONS 1 (APPROVED PLANS) AND 8 (PARKING AND HARDSTANDING AREAS) OF 23/0201 DEMOLISH EXISTING BUNGALOW AND BUILD A SPLIT-LEVEL BUNGALOW WITH ADDITIONAL VEHICULAR ACCESS. AMENDMENTS INCLUDE CHANGES TO APPROVED MATERIALS AND LAYOUT</i>		
Applicant:	<i>T. Kirton</i>		
Type:	Renewals and Variation of Conditions	Ward:	Bishton & Langstone
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

- 1.1 An NMA application for a number of changes to a scheme approved for a replacement dwelling was recently refused by the Council for the following reason:

01 The proposed changes will cause an impact different to that of the original approved development in design terms and have an impact upon visual amenity.

- 1.2 Following the refusal, this S.73 application seeks to vary condition 01 relating to approved plans for the changes which are described in greater details under section 3.2 of this report.

2. SITE LOCATION AND CONTEXT

- 2.1 The property is situated within a large curtilage, amongst a more densely constructed suburban estate within the urban boundary. The property is accessed via a private driveway from Rosecroft Drive. The property is situated at the northern end of the curtilage, overlooking the orchard garden from a raised vantage point on account of the rising topography towards the north.

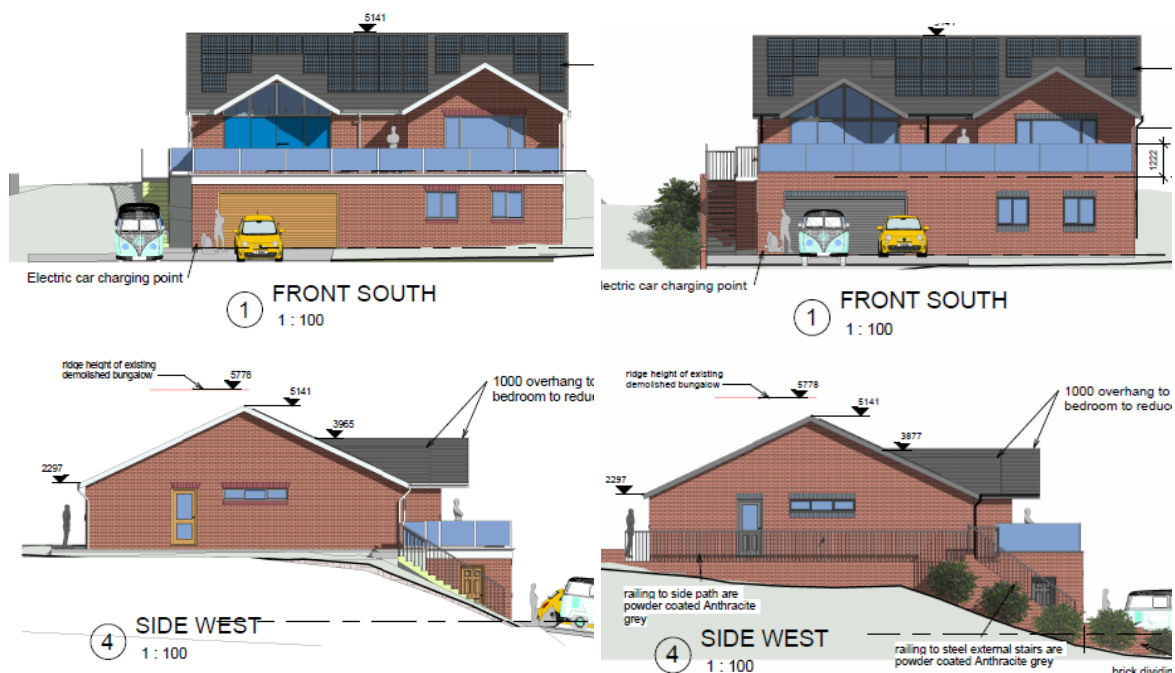
3. DESCRIPTION OF DEVELOPMENT

- 3.1 As noted above, planning permission has been granted for a replacement dwelling. The new dwelling is a split-level bungalow. The accommodation would comprise a double garage at ground floor along with a workshop/store, lobby, plant room and stairs to the upper floor where there would be three bedrooms, a bathroom, kitchen and utility room. It was noted under the original application for the replacement dwelling that: *“The replacement bungalow would be more modern in design with a shallow roof pitch and increased glazing. However, it is acknowledged that the existing dwelling is dated and in need of modernisation and it is considered that the scale and design of the proposed dwelling would be in keeping with that of the modern housing estate which it is surrounded by. The materials indicated include grey concrete roof tiles and facing red brick for elevations which is considered acceptable. Full details including samples can be secured by condition. To the southern roof slope solar panels are indicated. The external works to the property (raised patio, driveway, parking spaces and associated retaining walls) would not be atypical to a residential property and would not appear incongruous in the area. The submitted plans indicated that the walls would be finished in rock faced brickwork and that the driveway would utilise permeable block paving.”*
- 3.2 The applicant has confirmed that all of the changes sought under the NMA application are proposed as part of this s.73 application. The changes as described by the applicant are as follows:

- 1. Windows were approved sage green now Anthracite grey*

2. Lintels were approved skew back brick now soldier bricks colour grey
3. Cills now soldier brick colour grey
4. Fascia and rainwater goods were white now black
5. Side path to back doors now has black steel railings
6. The external side stairs were cast concrete now powder coated grey steel together with steel railings and brick side wall with low brick wall to side of tarmac
7. The driveway has altered having the same area but shifted sideways away from the boundary. Also the driveway in front of the garage is permeable tarmac and the rest is Marshalls sets 300mm x 200mm
8. The new entrance will have no brick walls forward of the pillars. The hedge/fence line will follow the 2m splay (above the lamp post) directly to the new upper pillar, similarly on the lower section of entrance the hedge will also go straight to the lower pillar providing additional pedestrian visibility. The low-level plants in front of hedging fence line will remain.
9. The gates design has changed, they are still wood but are metal framed for structural longevity.

- 3.3 Whilst not explicitly detailed by the applicant, the plans show changes in levels relating to the area to the (west) side of the property. The extracts below are taken from the approved plan (left) and the proposed plans accompanying this application (right) and shows the level of the land to the side of the steps.



- 3.4 The applicant advises that the changes in levels is to improve safety and achieve a gentler slope.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
23/0201	DEMOLISH EXISTING BUNGALOW AND BUILD A SPLIT LEVEL BUNGALOW WITH ADDITIONAL VEHICULAR ACCESS	GRANTED WITH CONDITIONS	13.07.2023
23/0693	PARTIAL DISCHARGE OF CONDITIONS 3	APPROVED	5.10.2023

	(LANDSCAPING SCHEME), 4 (MEANS OF ENCLOSURE), 5 (MATERIALS) AND 6 (RETAINING STUCTURES) OF 23/0201 DEMOLISH EXISTING BUNGALOW AND BUILD A SPLIT LEVEL BUNGALOW WITH ADDITIONAL VEHICULAR ACCESS		
26/0387	NMA APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF 23/0201 DEMOLISH EXISTING BUNGALOW AND BUILD A SPLIT LEVEL BUNGALOW WITH ADDITIONAL VEHICULAR ACCESS. AMENDMENTS INCLUDE CHANGES TO MATERIAL COLOURS, HARD AND SOFT LANDSCAPING AND OTHER LAYOUT CHANGES	REFUSED	25.06.2026

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)

Policy SP1 Sustainability favours proposals which make a positive contribution to sustainable 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 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 H2 Housing Standards promotes high-quality design taking into consideration the whole life of the dwelling.

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

5.4 SUPPLEMENTARY PLANNING GUIDANCE
PARKING STANDARDS
WILDLIFE AND DEVELOPMENT
TREES, WOODLAND, HEDGEROWS AND DEVELOPMENT SITES

6. CONSULTATION RESPONSES

6.1 Local Highways Authority: **Highway recommendation:**

No objection.

Highway Comments:

The amended access details do not raise any safety concerns and there are therefore no highway related objections.

6.2 SAB Drainage: 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 our website for further information, or contact the SAB team sab@newport.gov.uk for further discussions.

6.3 Landscape officer: I don't think the proposals affect the approved planting plan.
No further comments.

6.4 Dwr Cymru – Welsh Water: Dwr Cymru Welsh Water has no objection to the proposed variation of condition 1 of planning approval 23/0201.

6.5 Tree officer: No objections.

6.6 Environmental Health: I refer to the above application passed onto Environmental Protection for consultation. The application seeks to vary conditions 1 and 8, I confirm we have no objections to the variations.

6.7 Ecology officer: No response.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 27/07/2026.

7.1 NEIGHBOURS: No response received.

8. ASSESSMENT

8.1 Principle of Development:

The principle of the development has already been established with planning permission having been granted for a replacement dwelling at the site. As noted above, this application seeks to vary condition 01 (approved plans) of the permission for changes to the materials, levels and, driveway layout and gates. The potential impact of the changes above and beyond the approved scheme is discussed below.

8.2 Visual Amenity/ Character and Appearance;

Whilst the proposed materials are different to the nearest neighbouring property; 6 Rosecroft Drive, the property is located on the edge of a modern housing development where a variety of finish of materials is evident in the wider estate in terms of windows, fascias and rainwater goods as the estate has evolved. Under the original submission it was noted that the property pre-dated the surrounding development and as a consequence stood out somewhat due to its design and large curtilage. Having regard to all of these factors, the proposed changes to materials, driveway layout, steps, levels and vehicular gates are not considered to result in an adverse visual impact and is acceptable.

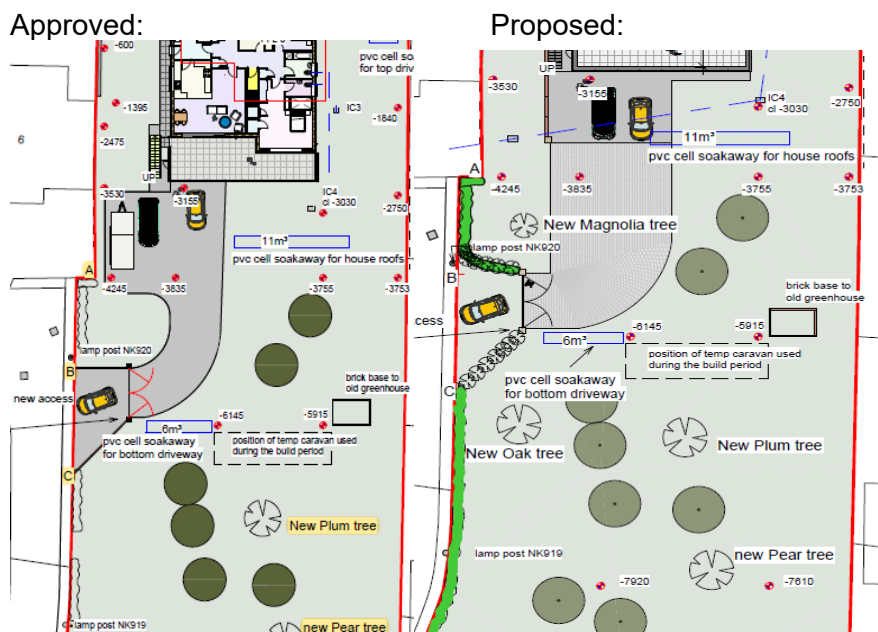
- 8.3 Whilst planting is shown to the side of the steps in order to soften the visual impact of the steps and driveway, the planting is not considered to be essential to the acceptability of these works and so it is not considered that a condition is warranted to secure the planting.

8.4 **Residential Amenity:**

As previously noted, the proposals include changes to the approved levels to the side of the property; namely, a reduction in the land levels here. Given that the levels are being reduces rather than increased, the proposed level changes, or other changes being sought are not considered to result in an increased impact to neighbouring amenity above that of the originally approved scheme.

8.5 **Movement:**

The approved and proposed driveway layout can be seen below, side by side:



- 8.6 As well as changes to the layout of the driveway the s.73 includes the omission of walling to the front of the gates.

- 8.7 In terms of highway considerations, the property would retain an acceptable level of parking, and the proposals do not result in any highway or pedestrian safety concerns. The Council's Highways officer confirms no objections are offered to the proposals.

8.8 **Biodiversity:**

The original submission required an EPS License due to the presence of bats at the property. The dwelling has subsequently been demolished in accordance with the terms of the License. This application does not result in any altered or increased impact in terms of biodiversity matters.

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 proposals are considered to be acceptable in terms of visual impact and will not result in any additional impact in terms of neighbouring amenity, highway considerations or biodiversity.

10.2 The application is granted subject to the following conditions.

11. DECISION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Proposed elevations MH-9438, Proposed Plot Layout MH-9436, Proposed site plan MH-9435, 3D Views MH-9439, Proposed elevations MH-9438, Proposed floor plans

MH-9437, Gate specifications.

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 development shall be carried out fully in accordance with details approved under application 23/0693 insofar as it relates to landscaping.

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.

03 With the exception of the gates, the development shall be carried out fully in accordance with details approved under application 23/0693 insofar as it relates to means of enclosure and thereafter retained in accordance with the approved details.

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.

Pre -occupation conditions

04 Prior to the first beneficial use of the raised patio area hereby approved, a privacy screen shall have first been erected along the eastern edge of the raised patio area, full details of which shall have first been submitted to the Local Planning Authority and written approval received. The approved screen shall be retained thereafter.

Reason: In the interests of neighbouring amenity in accordance with Policy GP2 of the NLDP.

05 Prior to the first beneficial occupation of the dwelling hereby approved, on-site parking provision and hardstanding areas shall be provided in accordance with the approved details and shall thereafter be retained.

Reason: To ensure there is that adequate on-site parking provision including allowance for the safe circulation and manoeuvring of vehicles and to reduce impact on residential amenity of surrounding occupiers in accordance with Policies GP2 and GP4 of the NLDP.

06 The development hereby approved shall be carried out in accordance with the approved biodiversity enhancement details; see Bat Survey & Ecology Assessment held on file 23/0201, which shall be implemented prior to first occupation of the dwelling hereby approved and thereafter retained for the lifetime of the development.

Reason: In the interest of protected species, in accordance with Policy GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

General conditions

07 No additional openings other than those shown on the approved plans shall be installed in the east or west side elevation of the dwelling as hereby approved.

Reason: In the interests of neighbouring amenity.

08 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 and C 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 and to protect the amenities of occupiers of adjoining properties.

09 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, Class A, no wall, fence, gate, hedge or other means of enclosure shall be erected or planted without the prior written permission of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

10 The development hereby approved shall be carried out in accordance with the mitigation, compensation and enhancement measures as set out in Section 5.0 of the accompanying Bat Survey report June 2022.

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

11 The sill level of the high level window in the west elevation of the property hereby approved serving the kitchen shall be a minimum of 1.7m above internal floor level at the time of installation and shall thereby permanently be retained.

Reason: In the interests of neighbouring amenity in accordance with Policy GP2 of the NLDP.

12 The glazing in the door in the western elevation serving the utility room and eastern elevation windows serving a bathroom and en-suite bathroom of the property hereby approved shall be obscure glazed to a minimum Pilkinton level 4 at the time of installation and shall be retained as such thereafter.

Reason: In the interests of neighbouring amenity in accordance with Policy GP2 of the NLDP.

NOTE TO APPLICANT

01 This decision relates to plan Nos: MH-9438, Proposed Plot Layout MH-9436, Proposed site plan MH-9435, 3D Views MH-9439, Proposed elevations MH-9438, Proposed floor plans MH-9437, Gate specifications.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP5, GP6, H2 and T4 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.

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.