

Delegated Decision Report

Application No:	25/0170	Statutory Expires:	Period	15 th August 2025
Site:	The Oak Residential Home Great Oaks Park Rogerstone Newport South Wales			
Proposal:	S73 APPLICATION TO VARY THE STANDARD TIME CONDITION IN RESPECT OF 19/1226 CONSTRUCTION OF THREE STOREY AND SINGLE STOREY EXTENSIONS TO EXISTING RESIDENTIAL CARE HOME			
Applicant:	S Lyons			
Type:	Renewals and Variation of Conditions	Ward:	Rogerstone West	
Decision:	GRANTED WITH CONDITIONS			

1. BACKGROUND

- 1.1 Full planning permission was originally granted for the proposed development on 7th January 2015 (Reference: 14/0840). The original permission was extended by five years on 12th March 2020 (Reference 19/1226). The current application seeks to extend the permission by a further five years. The current application was submitted on 5th March 2025.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site relates to The Oak Residential Home, Great Oaks Park, Rogerstone. The site is positioned within the defined settlement boundary as shown on the Proposals Map that accompanies the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) (LDP). There are no constraints showing on the LDP Constraints Map and no proposals showing on the LDP Proposals Map. It is noted however that the site is located adjacent to the Brecon and Monmouthshire Canal Conservation Area and there is an Oak tree subject to a Tree Preservation Order located on the northern boundary of the application site.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application is submitted under Section 73 of the Town & Country Planning Act (1990) and seeks to extend the time period of a previous planning permission for '*CONSTRUCTION OF THREE STOREY AND SINGLE STOREY EXTENSIONS TO EXISTING RESIDENTIAL CARE HOME.*'
- 3.2 The plans remain the same as those previously approved and the site has remained unaltered since the previous application with only the existing landscape features having matured. The majority of the site appears to comprise of overgrown garden with managed conifer hedgerows present along the boundaries of the site.

4. RELEVANT SITE HISTORY

Application Number:	Proposal:	Decision:	Decision Date:
24/0186	S73 APPLICATION TO EXTEND THE TIME PERIOD FOR THE COMMENCEMENT OF DEVELOPMENT BY 5 YEARS IN RESPECT OF 18/0583 VARIATION OF STANDARD TIME CONDITION OF PLANNING PERMISSION 15/0584 FOR ERECTION OF 2NO. DETACHED DWELLINGS	GRANTED WITH CONDITIONS	19.05.2025
19/1226	VARIATION OF STANDARD TIME CONDITION	GRANTED WITH CONDITIONS	20.03.2020

18/0733	VARIATION OF STANDARD TIME CONDITION OF PLANNING PERMISSION 12/0595 FOR THE ERECTION OF A CARE HOME	GRANTED WITH CONDITIONS	04.10.2018
18/0583	VARIATION OF STANDARD TIME CONDITION OF PLANNING PERMISSION 15/0584 FOR ERECTION OF 2NO. DETACHED DWELLINGS	GRANTED WITH CONDITIONS	21.03.2019
15/0584	VARIATION OF STANDARD TIME CONDITION TO EXTEND THE TIME PERIOD FOR SUBMISSION OF RESERVED MATTERS IN RELATION TO PERMISSION 12/0386	GRANTED WITH CONDITIONS	23.07.2015
14/0840	EXTENSION TO RESIDENTIAL CARE HOME	GRANTED WITH CONDITIONS	07.01.2015
12/0595	ERECTION OF RESIDENTIAL CARE HOME	GRANTED WITH CONDITIONS	03.07.2013
09/0828	PARTIAL DISCHARGE OF CONDITION 02 (RAMPED AREA) OF PLANNING PERMISSION 08/1400 FOR VARIATION OF CONDITION 03 (PARKING) RELATING TO PLANNING PERMISSION 08/0992 FOR GROUND FLOOR AND FIRST FLOOR EXTENSIONS TO RESIDENTIAL CARE HOME	APPROVED	21.08.2009
08/1400	VARIATION OF CONDITION 3 (PARKING) RELATING TO PLANNING PERMISSION 08/0992 FOR GROUND FLOOR AND FIRST FLOOR EXTENSIONS TO RESIDENTIAL CARE HOME	GRANTED WITH CONDITIONS	05.12.2008
08/1356	VARIATION OF STANDARD TIME CONDITION TO EXTEND THE TIME PERIOD FOR SUBMISSION OF RESERVED MATTERS IN RELATION TO PERMISSION 05/0708	GRANTED WITH CONDITIONS	04.12.2008
08/0992	GROUND FLOOR AND FIRST FLOOR EXTENSIONS TO RESIDENTIAL CARE HOME	GRANTED WITH CONDITIONS	19.09.2008
05/0708	ERECTION OF 2NO. DETACHED DWELLINGS (OUTLINE	GRANTED WITH CONDITIONS	12.12.2005

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

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 (ADOPTED JANUARY 2015)

Policy GP2 (General Amenity)

Policy GP4 (Highways and Accessibility)

Policy GP5 (Natural Environment)

Policy GP7 (Environmental Protection and Public Health)

Policy SP9 (Conservation of the Natural, Historic and Built Environment)

5.4 SUPPLEMENTARY PLANNING GUIDANCE

Trees, Woodland, Hedgerows and Development Sites

Planning Obligations SPG

Wildlife and Development SPG

6. CONSULTATION RESPONSES

6.1 Local Highways Authority: It appears that the application is only to allow further time for the development. There are no time related highway issues and therefore no objections.

6.2 Ecology Officer: No response received.

6.3 Tree Officer: No response received.

7. PUBLIC REPRESENTATIONS

7.1 Neighbour notification letters were sent, and a Site Notice was displayed. No responses have been received.

8. ASSESSMENT

8.1 This application is submitted under Section 73 of the Town & Country Planning Act (1990) and seeks to extend the time period of a previous planning permission.

8.2 Section 73 of the Act provides for applications to be made for planning permission to develop land without complying with conditions previously imposed on a planning permission i.e. to vary or remove a condition. This application was submitted prior to the timescale of the previous application expiring.

8.3 Section 5.21 of Welsh Government Circular WGC 016/2014 (The Use of Planning Conditions for Development Management) outlines the following criteria for applications seeking a renewal to be assessed against. These are:

- There has been some material change in planning circumstances since the original permission was granted (e.g. a change in some relevant planning policy for the area, or in relevant highway considerations, or the publication by the Government of new planning policy guidance, material to the renewal application).
- Continued failure to begin the development will contribute unacceptably to uncertainty about the future pattern of development in the area.
- The application is premature because the permission still has a reasonable time to run.

8.4 In this case, there has been no material change in planning policy that would result in the general principle of the development being refused. The site is within the defined settlement boundary as shown on the Proposals Map that accompanies the LDP and is located adjacent to the Brecon and Monmouthshire Canal Conservation Area. Any development at this site must preserve or enhance the Conservation Area. It is considered that these factors were considered during the course of the original application and its subsequent renewal. It is noted that there are no new objections from consultees or neighbours.

- 8.5 Notwithstanding the above, there have been policy changes since the last full assessment of the application. Future Wales: The National Plan 2040 has been introduced, and additionally, Planning Policy Wales has been updated and is now within its 12th edition. These changes hold significant weight to sustainability and ecological enhancement. In this instance, Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy GP5 of the NLDP supports this and states that proposals will be expected to maintain, protect, and enhance ecological networks and features of importance for biodiversity. It is noted that an Ecology Survey was carried out on the application site in August 2024 and a Tree Survey was undertaken in October 2023.
- 8.6 In accordance with Chapter 6 of PPW 12 due regard has been given to the fact that the application should be accompanied by a Green Infrastructure Statement. Given this new requirements, it is considered necessary to secure a proportionate biodiversity scheme via condition. As such the proposal could be compliant with the aims of Policy GP5 of the NLDP 2011-2026 (adopted January 2015), subject to further details which can be submitted at a later date, prior to the commencement of the development.
- 8.7 In addition to the above, the Historic Environment (Wales) Act 2023 came into effect on 4th November 2024. Whilst this is considered relevant to this application as the site sits adjacent to a Conservation Area, it is not considered that it would alter the previous decision made on the application.
- 8.8 Whilst it is noted that the development has been renewed once previously, it is not considered that the reissuing of the consent would contribute to uncertainty about the future pattern of development in the area and the application is not considered to be premature given the date of expiry of the former consent.

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 This current application is simply seeking to extend the period for the implementation of the previously approved scheme. Its focus is on whether there have been any material changes to planning policy or site circumstances since the granting of planning permission. The main material changes to policy objectives that impact upon the acceptability of the scheme have been outlined above in the form of a Green Infrastructure Statement. It is not considered that there have been any significant changes to site circumstances that impact upon the acceptability of the scheme and there are no other material considerations which need to be taken into account. The planning conditions imposed on permission 19/1226 are reimposed and an additional condition (Green Infrastructure Statement) is included.

11. DECISION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: 21418 01, 03, 04D, 05D, 06D, 09D.10, Ecological Appraisal Aug 2024; Tree Survey Oct 2023, Application Form

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

02 No works are to commence on site until a tree protection plan (in accordance with BS 5837:2005) has been submitted to and approved in writing by the Local Planning Authority. The tree protection plan shall contain full details of the following:-

- (a) trees and hedges to be retained/felled clearly identified and marked on a plan;
- (b) trees and hedges requiring surgery;
- (c) the root protection areas to be identified on a plan for retained trees and hedges;
- (d) the type and detail of the barrier fencing to be used to safeguard the root protection areas;
- (e) the precise location of the barrier fencing, to be shown on a plan.

The development shall be carried out in accordance with the approved tree protection plan.

Reason: To protect important landscape features within the site and is in compliance with Policy GP5.

03 No operations shall commence in connection with the development including demolition work, soil moving, temporary access construction, or any operations involving the use of motorised vehicles or construction machinery until the 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. The fencing shall be retained for the full duration of the development, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To protect important landscape features within the site and is in compliance with Policy GP5.

04 Prior to the commencement of development, an arboriculturalist shall be appointed to oversee the project (to perform a watching brief) for the duration of the construction and who shall be responsible for:

- (a) supervision and monitoring of the approved tree protection plan;
- (b) supervision and monitoring of the approved tree felling and pruning works;
- (c) supervision of the alteration or temporary removal of any barrier fencing;
- (d) oversee working within any root protection area;
- (e) reporting to the Local Planning Authority;
- (f) the arboriculture consultant will provide site progress reports to the Council's tree officer at intervals to be agreed by the council's tree officer.

Reason: To protect important landscape features within the site and is in compliance with Policy GP5.

05 Prior to the commencement of development, full details of wheel wash and dust suppression measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be installed and utilised throughout the duration of construction, in accordance with the approved details.

Reason: In the interests of highway safety and residential amenity and is in compliance with Policy GP2, GP3 and GP4

06 Before the development is commenced, a scheme of landscaping and tree planting for the site (indicating inter alia the number, species, heights on planting and positions of all trees and shrubs) shall be submitted to and approved in writing by the Local Planning Authority. Such scheme as approved shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter, the trees and shrubs shall be adequately maintained for a period of 5 years from the date of planting and any which die or are damaged shall be replaced and maintained until satisfactorily established. The landscaping details submitted shall also include measures for the long-term management of all of the un-adopted landscaped areas, which shall then be managed in accordance with the approved details. 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 and is in compliance with Policy GP5.

07 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 (including the proposed building and hard surfaces) have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out using the agreed materials.

Reason: To ensure that the development is completed in a manner compatible with its surroundings and is in compliance with Policy CE38 and GP6.

08 No development shall commence until a lighting design strategy and method statement to ensure that there will be no light spill onto the trees surrounding the development site both during and after construction, has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved lighting strategy.

Reason: To protect bats and other protected species and is in compliance with Policy GP5 and GP9.

09 Prior to commencement of development of the proposed extension details (including specification of noise emissions) of any proposed external plant associated with that building and any external vents/outlets associated with internal plant shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To control noise levels and to ensure that the appearance of the building will be satisfactory and is in compliance with Policy and is in compliance with Policy GP2 and GP7.

10 Details and plans showing the finished slab level of the extension hereby approved, together with cross sections through the site, shall be submitted to and approved by the Local

Planning Authority in writing prior to the commencement of any work on site, and the development shall be undertaken in accordance with the approved details.

Reason: In the interests of visual amenities and is in compliance with Policy GP2.

11 No development shall commence until full details of the proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be constructed in accordance with the approved details prior to the first occupation of the associated dwelling and then maintained thereafter.

Reason: To ensure the development is completed in a satisfactory manner.

12 Prior to work commencing on site details of the surfacing improvement to the access to the site shall be submitted to and to and agreed in writing with the Local Planning Authority. The improvements as approved shall be carried out prior to the first beneficial occupation of the extension.

Reason: In the interest of highway safety and is in compliance with Policy GP4.

13 Pre- beneficial occupation prior to the first beneficial occupation of the extension hereby approved, a foul and surface water drainage system shall be installed in accordance with full details which shall have first been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure an orderly form of development and is in compliance with Policy GP3.

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

Reason: To ensure that adequate off-street parking provision is made in the interests of highway safety and is in compliance with Policy GP4.

15 If at any time the use of the premises is to involve the preparation and cooking of hot food the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed in writing by the Local Planning Authority, and the extraction system shall be provided with de-greasing and deodorising filters. Details of the above equipment (including scaled schematics, location plans, odour attenuation measures and future maintenance) shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and the equipment shall be installed in accordance with the approved details prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the approved details.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected and in the interests of visual amenities and is in compliance with Policy GP2 and GP7

16 Deliveries shall only take place within the site between the hours of 8.00 hours 20.00 hours.

Reason: In the interest of residential amenity and is in compliance with Policy GP2.

17 No additional window or door openings (other than those shown on the approved plan) shall be formed in the Northeast elevation of the extension hereby approved without the prior written permission of the Local Planning Authority.

Reason: To protect the privacy of adjoining occupiers and is in compliance with Policy GP2 and GP6.

18 Prior to the commencement of development, a biodiversity enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement scheme shall be implemented in accordance with the approved plans prior to the first beneficial use of the development hereby approved and retained as such for the lifetime of the development. Reason: In the interest of protected species, in accordance with Policy 9 of Future Wales and Policy GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: 21418 01, 03, 04D, 05D, 06D, 09D.10. and 11 Tree Information Report 12.2014, Design and Access Statement, Ecological Appraisal Aug 2024; Tree Survey Oct 2023.

02 The development plan for Newport is the Newport Local Development Plan 2011-26 (adopted January 2015). Policies CE13, CE15, CE20, CE31, CE41, CE38. GP2, GP3, GP4, GP5, GP6, GP7, CE7 and SP9 were relevant to the determination of this application. The House Extension and Domestic Outbuilding SPG was also relevant to the determination of this planning application.

03 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.

04 As of 1st October 2012 any connection to the public sewerage network (foul or surface water sewerage) for the first time will require an adoption agreement with Dwr Cymru Welsh Water. For further advice contact Dwr Cymru Welsh Water on 01443 331155.

05 Foul water and surface water discharges shall be drained separately from the site. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

06 Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

07 The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

08 No construction work (including land raising if required) shall be carried out other than between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays unless otherwise first agreed in writing by the Local Planning Authority.