

Delegated Decision Report

Application No:	25/0781	Statutory Expires:	Period	4th December 2025
Site:	The Long House Blacksmiths Way Coedkernew Newport NP10 8TR			
Proposal:	S73 APPLICATION TO VARY THE STANDARD TIME CONDITION IN RELATION TO 22/0341 OUTLINE PLANNING PERMISSION (ALL MATTERS RESERVED) FOR THE ERECTION OF 2 NO. DETACHED DWELLINGS TO THE REAR OF THE EXISTING HOUSE (THE LONG HOUSE) WITH DOUBLE GARAGES			
Applicant:	N J Atherton			
Type:	Renewals and Variation of Conditions	Ward:	Tredegar Park And Marshfield	
Decision:	GRANTED WITH CONDITIONS AND SUBJECT TO A SECTION 106 LEGAL AGREEMENT WITH DELEGATED AUTHORITY TO HEAD OF REGENERATION AND ECONOMIC DEVELOPMENT TO USE DISCRETION TO REFUSE IF NOT SIGNED WITHIN 3 MONTHS OF A RESOLUTION			

1. BACKGROUND

- 1.1 Outline planning permission was originally granted for the proposed development on 17th November 2022 (Reference: 22/0341). The current application was submitted on 9th October 2025.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site is located within the Tredegar Park and Marshfield Ward and is within the settlement boundary as defined by the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) (LDP). The site is not subject to any proposals on the LDP Proposals Map nor any constraints on the LDP Constraints Map.
- 2.2 The Longhouse is a detached house set within a substantial plot. The garden extends around 53 metres to the rear and is around 30 metres wide. There is an existing access onto Blacksmiths Way, which leads to a detached garage within the rear garden. There are neighbouring properties to the north east, which have similarly long rear gardens. To the south and west the site is bounded by mature woodland.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The current application seeks to extend the time in which an application for the approval of reserved matters must be made and for when development must commence.
- 3.2 The application relates to timescales only, with no different use or physical alterations proposed.

4. RELEVANT SITE HISTORY

- 4.1

Application Number:	Proposal:	Decision:	Decision Date:
22/0341	OUTLINE PLANNING PERMISSION (ALL MATTERS RESERVED) FOR THE ERECTION OF 2 NO. DETACHED DWELLINGS TO THE REAR OF THE EXISTING HOUSE (THE LONG HOUSE) WITH DOUBLE GARAGES	Granted with Conditions	17.11.2022

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) (NLDP):

SP1 (Sustainability)

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)

W3 (Provision for Waste Management Facilities in Development)

5.5 Supplementary Planning Guidance:

New Dwellings (Adopted January 2020)

Parking Standards Supplementary Planning Guidance (Adopted August 2015)

Planning Obligations (Adopted January 2020)

Affordable Housing (Adopted October 2021)

Sustainable Travel (Adopted July 2020)

Wildlife and Development (Adopted August 2015)

Waste Storage and Collection (Adopted January 2020)

Trees, Woodlands, Hedgerows and Development Sites (Adopted January 2017)

5.6 Other Material Considerations:

Circular WGC 016/2014: The Use of Planning Conditions for Development Management.

6. CONSULTATION RESPONSES

6.1 Local Highways Authority: The application is effectively a renewal of the 2022 permission. There are no relevant highway policy changes since then, therefore there are no highway related objections.

6.2 Environmental Health: No response received.

6.3 Drainage: No response received.

6.4 SAB: We have received a pre-application for this site but are still awaiting for the full application to be submitted.

6.5 Ecology Officer: No response received.

6.6 Landscape Officer: All documents from the 2022 permission have been re-published under 25/0781. I think this 25/0781 application is seeking an extension of 2 years to allow full planning to be submitted by 17/11/2027 – if this is the case I would have no issues.

However if new information has been submitted, can you please advise so I can make a targeted review.

6.7 Tree Officer: To consent we would need the following conditions:

1. A pre commencement site meeting with the builder/ developer site manger, the Arboricultural consultant and NCC Tree officer is required prior to works.
2. Suitable replacement planting for the loss of G8 and T2 is required at a rate of three trees per tree lost.
3. A suitable method statement for the "link" between the garage and the drive as per the email from 29th of July 2022 from Shona Carle regarding 22/0341 or sufficient evidence that this will not impact the trees.
4. A Arboricultural watching brief on a agreed scheduled basis to ensure compliance with the tree protection plan.

Note: The Case Officer queried whether the previous conditions would suffice, the Tree Officer confirmed the original conditions are sufficient.

6.8 Waste Officer: No response received.

6.9 Housing Development Manager: No response received.

6.10 Newport Access Group: No response received.

6.11 Dwr Cymru Welsh Water: We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

Dwr Cymru Welsh Water has no objection to this S73 application to vary the standard time condition.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

7. PUBLIC REPRESENTATIONS

7.1 NEIGHBOURS: The application was advertised by direct neighbour notification letter and site notice. No responses were received.

7.2 COEDKERNEW COMMUNITY COUNCIL: No response received.

8. ASSESSMENT

8.1 The advice within Circular WGC 016/2014 (Section 5.21) clearly states that applications seeking to amend timescales should only be refused in the following circumstances:

1. There has been some material change in planning circumstances since the original permission was granted;
2. Continued failure to begin the development will contribute unacceptably to uncertainty about the future pattern of development in the area; or
3. The application is premature because the permission still has a reasonable time to run.

8.2 In this case, the original consent was considered and approved under the current Local Development Plan and Supplementary Planning Guidance. Therefore, there has been no change to Local Planning Policy that would result in a different outcome being reached.

8.3 In respect of National Planning Policy, Planning Policy Wales has been updated and is now in its 12th edition, the primary change in PPW12 compared to earlier editions is the expansion of Chapter 6 and the requirement for development to demonstrate a net benefit for biodiversity informed by a Green Infrastructure Statement (GIS), in accordance with the step-wise approach. In this case, although no GIS has been provided to support this application the original consent included a condition requiring a scheme of ecological mitigation and enhancement, and a net benefit could be achieved through the implementation of this

condition and through full details at Reserved Matters stage. As such, it is not considered that the lack of GIS would warrant the refusal of the application in this instance.

- 8.4 In terms of Criteria 2 above, it is no considered that failure for the development to begin in accordance with the timeframes of the original permission would contribute unacceptably to uncertainty about the future pattern of development in the area.
- 8.5 Finally, the original consent was granted in 2022 therefore given the time that has elapsed and given the nature of the proposed amendments it is not considered that this application is premature.
- 8.6 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.)
 - 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?
<i>Regeneration, Investment and Housing</i>	<i>To provide a contribution toward off site affordable housing.</i>	<i>A commuted sum of £6,424 toward off site affordable housing.</i>	<i>A commuted sum of £6,424 toward off site affordable housing.</i>	<i>No</i>

HEADS OF TERMS AGREED BY APPLICANT

9. OTHER CONSIDERATIONS

9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 ***Equality Act 2010***

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 ***Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. CONCLUSION

10.1 This current application is related to timeframes only. It's 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 22/0341 are reimposed on this permission.

11. DECISION

GRANTED WITH CONDITIONS AND SUBJECT TO A SECTION 106 LEGAL AGREEMENT WITH DELEGATED AUTHORITY TO HEAD OF REGENERATION AND ECONOMIC DEVELOPMENT TO USE DISCRETION TO REFUSE IF NOT SIGNED WITHIN 3 MONTHS OF A RESOLUTION.

STANDARD CONDITIONS

The matters set out in the conditions below are reserved for the submission and approval of details.

- (01) In the case of any reserved matter, application for approval must be made not later than the expiration of THREE YEARS beginning with the date of this permission.

Reason: The application is in outline only and the further details are required to ensure that a satisfactory form of development take place.

- (02) No development shall be carried out on the site until details of the reserved matters have been approved, and the development shall be carried out in accordance with these details.

Reason: The application has been submitted in outline only. Further details are required to ensure that a satisfactory form of development takes place.

- (03) The development to which this permission relates must be begun not later than whichever is the later of the following dates:- the expiration of **THREE YEARS** from the date of this permission; or the expiration of **TWO YEARS** from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform to the requirements of Sections 91 and 92 of the Act 1990.

ADDITIONAL CONDITIONS

1. The development shall be implemented in accordance with the following plans and documents: JT2001.01, JT2001.08, JT2001.100, NA3856-01 (Topographical survey), Arboricultural Impact Assessment (EDP Ltd, October 2021), Environmental Noise Assessment (Hunter Acoustics, September 2021) and Preliminary Ecological Appraisal (Soltysbrewster, October 2021).

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

Pre-Commencement Conditions:

2. Approval of the details of the layout, scale, appearance of the building(s), access thereto and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority. Reason: To safeguard the rights of control of the Local Planning Authority in respect of the reserved matters and to comply with the provisions of Article 3(1) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
3. Prior to the commencement of development, to include demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan (CEMP) shall identify the steps and procedures that will be implemented during development resulting from the site preparation, groundwork and construction phases of the development regarding:
- Noise mitigation measures – to minimise the creation and impact of noise;
 - Dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition, February 2003;
 - Waste disposal;
 - Details of working hours;
 - Details of enclosure of working areas;
 - Details of contractor parking areas and construction site accesses;

Development works shall be implemented in accordance with the approved CEMP. The development shall be carried out in accordance with the approved Construction Environmental Management Plan at all times.

Reason: To protect the amenities of nearby residents and in the interests of highway safety, in accordance with policies GP2, GP4 and GP7.

4. In pursuance of any reserved matters application, cross sectional details and slab level information shall be submitted to demonstrate:
- The visual impact of development on the surrounding area.
 - The relationship of proposed dwellings with each other and
 - The relationship of proposed dwellings with the host and neighbouring dwelling situated on the periphery of the site.

Reason: In the interests of the visual amenities of the area and the amenities of existing and proposed residential occupiers having regard to the topography of the site, in accordance with policies GP2 and GP6.

5. No operations of any description, (this includes all forms of development, tree felling, tree pruning, temporary construction access, soil moving and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection within the development, until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall contain full details of the following:
 - (a) Excavation works (including drainage works)
 - (b) The extent of driveway works
 - (c) Construction exclusion zones
 - (d) Protective barrier fencing
 - (e) Ground protection
 - (f) Service positions
 - (g) Special engineering requirements including no dig construction
 - (h) Access facilitation pruning and boundary trimming
 - (i) Landscaping;
 - (j) Name, qualifications and contact details of the Arboricultural Contractor(s) and/or Consultant(s) who will be implementing the above are to be supplied to the Councils Tree Officer.The development shall be carried out in full compliance with the Arboricultural Method Statement.
Reason: To protect important landscape features neighbouring the site, in accordance with policy GP5.
6. No development, other than demolition, shall commence until full details of the foul water drainage system has been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented fully in accordance with the approved scheme prior to the occupation of any dwelling.
Reason: To ensure adequate drainage is provided, in accordance with policy GP3.
7. Prior to the commencement of development details of proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be implemented prior to the occupation of the associated dwelling and maintained in perpetuity thereafter.
Reason: In the interests of residential and visual amenity, in accordance with policies GP2 and GP6.
8. Pursuant to the approval of the reserved matters, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to road traffic noise in excess of 55 dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 45 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.
Reason: To ensure that the amenities of future occupiers are protected, in accordance with policies GP2 and GP7.
9. Pursuant to the approval of the reserved matters, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that the maximum day time noise level in outdoor living areas exposed to road traffic noise shall not exceed 50 dBA Leq 16 hour [free field]. The scheme of noise mitigation as approved shall be constructed in its entirety prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity.
Reason: To ensure that the amenities of future occupiers are protected, in accordance with policies GP2 and GP7.
10. Pursuant to the approval of the reserved matters, a scheme of ecological mitigation and enhancement shall be submitted to and approved in writing by the Local Planning Authority.

The approved ecological mitigation and enhancement shall be implemented prior to the occupation of the development and retained thereafter.

Reason: In the interests sustainable development and ecology, in accordance with policies SP1 and GP5.

General Conditions:

11. The landscaping scheme referred to in reserved matters shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of the development. Thereafter, the trees and shrubs shall be 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. For the purposes of this condition a full planting season shall mean the period from October to April.
Reason: To secure the satisfactory implementation of the proposal, in accordance with policies GP5.
12. The reserved matters referred to in Condition 2 shall include details of off-street parking. The parking shall be provided in accordance with the approved details prior to first occupation of any development and thereafter maintained as such.
Reason: In the interests of highway safety, in accordance with policies GP4 and T4.
13. Any garages or parking spaces associated with residential uses on the site shall be used for the parking of domestic vehicles only and for no other purposes including, in the case of the garages, additional living accommodation.
Reason: To ensure the retention of adequate parking in the interest of highway safety, in accordance with policies GP4 and T4.
14. The development shall take place in accordance with the mitigation measures set out in section 5.7 (demolition outside of the bird nesting season), 5.11 (gaps at the bottom of fencing), 5.15 (light spillage) and Appendix V (technical lighting note) of the Preliminary Ecological Appraisal (Soltysbrewster, October 2021).
Reason: To protect ecological interests and protected species, in accordance with policies SP9 and GP5 of the Newport Local Development Plan.

NOTE TO APPLICANT

1. The development plan for Newport is the Newport Local Development Plan 2011 - 2026 (Adopted January 2015). Policies SP1, SP9, SP13, GP2, GP3, GP4, GP5, GP6, H4, H6, T4 and W3 were relevant to the determination of this application.
2. 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.
3. Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are roosting, Natural Resources Wales (NRW) must be contacted for advice.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary.

Where bats or their roosts are present, no works of site clearance, demolition or construction should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result in a fine and/or imprisonment.

NRW can be contacted at:

Natural Resources Wales, Rivers House, St Mellons Business Park, St Mellons, Cardiff CF3 0EY, 0300 065 3000

Bat Conservation Trust can be contacted at:
5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845 1300228