

# Delegated Decision Report

|                        |                |                                  |                        |
|------------------------|----------------|----------------------------------|------------------------|
| <b>Application No:</b> | <b>25/0927</b> | <b>Statutory Period Expires:</b> | <b>20th April 2026</b> |
|------------------------|----------------|----------------------------------|------------------------|

|                   |                                                                                                                               |              |                                     |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------|--------------|-------------------------------------|
| <b>Site:</b>      | <b><i>Plot 5 Site Of 21 St Mellons Road Marshfield Cardiff</i></b>                                                            |              |                                     |
| <b>Proposal:</b>  | <b><i>S73 APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF APPLICATION 19/1003 - AMENDMENT TO THE DESIGN OF PLOT 5</i></b> |              |                                     |
| <b>Applicant:</b> | <b><i>G Harry</i></b>                                                                                                         |              |                                     |
| <b>Type:</b>      | <b>Renewals and Variation of Conditions</b>                                                                                   | <b>Ward:</b> | <b>Tredegar Park And Marshfield</b> |
| <b>Decision:</b>  | <b>GRANTED WITH CONDITIONS</b>                                                                                                |              |                                     |

## 1. BACKGROUND

- 1.1 Planning permission was granted for the demolition of a derelict house and the construction of five detached dwellings under application 19/1003. The application granted consent for 5no. dwellings of similar design and has been commenced. The current application seeks to amend the design of plot 5 only.

## 2. SITE LOCATION AND CONTEXT

- 2.1 The application site forms part of a residential development comprising five houses. Four of the dwellings have already been constructed, and the final unit, subject to this application, was under construction at the time of the Officers site visit. The site lies within an Archaeologically Sensitive Area and Flood Zone 3. In addition, a protected group of trees (TPO 77/Mon) is situated to the front and southern side of the property.

## 3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks consent to vary condition 01 of planning permission 19/1003. The amendment relates to plot 5 only. The alterations proposed include altering the garage to a habitable room and adding an integrated garage. The approved garage door will be replaced by a window. The principal elevation will be altered to add a front door and 2no. new windows. The attached garage will be 4.4m in height to the highest part of its lean to roof and 2.4m to the eaves. The garage would be 4.4m in width and 8m in depth.

## 4. RELEVANT SITE HISTORY

| <b>App Number</b> | <b>Proposal</b>                                                          | <b>Decision</b>         | <b>Decision Date</b> |
|-------------------|--------------------------------------------------------------------------|-------------------------|----------------------|
| 19/1003           | DEMOLITION OF DERELICT HOUSE AND CONSTRUCTION OF FIVE DETACHED DWELLINGS | Granted with Conditions | 23.09.2021           |

## 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.

4.1.51 “ Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed”.

### 5.3 FUTURE WALES: THE NATIONAL PLAN 2040

Policy 12 Regional Connectivity “Planning authorities must act to reduce levels of car parking in urban areas, including supporting car-free developments in accessible locations and developments with car parking spaces that allow them to be converted to other uses over time”.

Page 87 “Whilst we do not know what the future holds, the location and design of car parking should enable conversion to other uses over time”.

### 5.4 TECHNICAL ADVICE NOTES

5.4.1 Technical Advice Note (TAN) 15 – Flood Risk and Coastal Erosion and Technical Advice Note (TAN) 12 - Design is relevant to the determination of this application.

### 5.5 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

5.5.1 Policies GP2 (General Amenity), GP4 (Highways and Accessibility), GP6 (Quality of Design), SP1 (Sustainability), SP3 (Flood Risk), SP18 (Urban Regeneration) and T4 (Parking) of the Newport Local Development Plan 2011-2026 (adopted January 2015) are relevant to the determination of this application.

### 5.6 SUPPLEMENTARY PLANNING GUIDANCE

5.6.1 The Newport City Council Parking Standards and House Extensions and Domestic Outbuildings Supplementary Planning Guidance (adopted August 2015) is also relevant to the determination of this application.

## 6. CONSULTATION RESPONSES

6.1 **Highways:** No objection

6.2 **Welsh Water Dwr Cymru:** No objection

6.3 **Planning Contributions Manager:** All s106 obligations relating to the principal permission (19/1003) have been met. As such, no further s106 obligations are required

## 7. PUBLIC REPRESENTATIONS

7.1 Neighbour notification letters were sent on 30.10.2025. 7no. Neighbours were consulted. No representations were received.

7.2 MARSHFIELD COMMUNITY COUNCIL: no representations were received.

## 8. ASSESSMENT

### 8.1 Principle of Development

8.1.1 The application site is located within a settlement boundary as designated by the maps contained within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). The application site forms part of a wider housing development approved under 19/1003. Therefore, the principle of development is accepted.

### 8.2 Character and Appearance

8.2.1 Alterations to the principal elevation include changes to the window and the addition of a front door. The garage will be integrated into the property with a lean-to roof design. While

the proposal would result in a change from the original uniformity of the five houses on the plot, some of these properties have already been subject to alterations and garage conversions. The wider streetscene has limited architectural consistency, and the proposed design remains in keeping with the character and appearance of the wider site and surrounding area. In this context, the development is considered acceptable and is deemed to comply with Policy GP6.

### 8.3 **Residential Amenity**

- 8.3.1 Consideration has been given to the impact of the proposals on the neighbouring occupiers. The proposals now include a garage that features a lean-to roof that slopes away from the neighbouring property to the west, which helps to minimise any impact on this immediate neighbour. Alterations are proposed to windows at both the front and rear; while these would be larger than the previously approved windows, they are not considered to result in increased overlooking. Given the scale and nature of the proposal, and its relationship with the nearest neighbouring properties, it is not considered that the development would have an unacceptable impact on residential amenity. The proposal is therefore considered to comply with Policy GP2.

### 8.4 **Highways**

- 8.4.1 As the approved garage would be replaced by an attached garage, there would not be a loss of a parking space as result of the alterations to the plans. Space remains within the garage and curtilage for cycle storage. The proposals comply with policy GP4.

### 8.5 **Flooding**

- 8.5.1 The application site is located within Flood Zone 3. As the proposal relates to an approved residential development that has been implemented, it is not anticipated that there would be an additional flood risk compared to the approved details.

### 8.6 **Other Issues**

- 8.6.1 There is a protected group of trees protected by 77/Mon to the front and west side of the property. Given the scale of development and the nature of the change proposed, there would not be a significant impact on the root protection area of the tree.
- 8.6.2 The site is within an archaeologically sensitive area. Given the scale of development and the nature of the change proposed, it is not anticipated that there would be significant harm to the archaeological assets over and above the approved scheme.

### 8.7 **Conditions**

- 8.7.1 Consideration has been given to the conditions previously imposed on permission 19/1103. There have been no significant changes to the Local Development Plan policy objectives that would affect the acceptability of the scheme or the relevance of those conditions. Several conditions remain undischarged, and the amendments or removal of these conditions are addressed below.

#### 8.7.2 **Conditions 01-03**

Condition 01 relates to the approved plans and will be updated to reflect the drawings submitted as part of this application. Condition 02, concerning the Construction Management Plan, and Condition 03, relating to surface water, are both compliance conditions and therefore do not require amendment and will be reapplied to any consent.

#### 8.7.3 **Condition 04**

Condition 04 required the submission of details for boundary treatments. It is noted that this condition was not formally discharged, and a substantial portion of the development, including the boundary treatments, is already largely complete. Although the condition remains outstanding, the boundary treatments constructed on site are not considered unacceptable. As such, it would not be reasonable or necessary to reapply this condition to the current consent.

#### 8.7.4 **Condition 05**

Condition 05 relates to access, visibility splays, turning areas, and parking spaces. As the original timescale for this condition was prior to the occupation of any dwelling, and four of

the five dwellings are now occupied, the condition will be reimposed but amended to apply only to Plot 5, which is the subject of this application, and the only plot to remain unoccupied.

**8.7.5 Condition 06**

Condition 06 requested details on how the original access will be closed off. This condition was not discharged and a site visit confirmed that the access remains open. The trigger point for the details to be submitted was prior to any of the dwellings being occupied. As 4 of the dwellings have been constructed and are occupied, the timescale will be amended to reflect this.

**8.7.6 Conditions 07 and 08**

Condition 07 and Condition 08 relate to the submission of details for bin and cycle storage. These conditions were previously discharged under application 22/0856. The approved details confirmed that refuse bins would be stored within the curtilage of each property, and cycle storage would be provided within the garages, or alternatively, within the rear gardens where space allows. This arrangement remains appropriate for the application, however, re-imposing the condition is not considered necessary. Two of the properties have already undertaken garage conversions, the dwellings are detached and set within relatively large plots, and there would be ample space available for any cycle storage.

**8.7.7 Condition 09**

Condition 09 requires the en suite and bathroom windows of plots 4 and 5 to be obscure glazed to Pilkington Level 5. As the floor plan has not significantly changed and the bathrooms for Plot 5 still face north-east towards the corresponding windows on plot 4, this requirement remains appropriate and the condition will be reimposed.

**8.7.8 Condition 10**

Under permission 19/1003, Condition 10 required the garages to be retained for car parking purposes. Since the occupation of Plots 1–4, two garage conversion applications have been submitted and approved by the Local Planning Authority. As there is no objection in principle to the garages being converted, it is not considered necessary to reapply this condition to the current consent.

**8.7.9 Conditions 11 – 16**

Condition 11 stated that no trees shall be felled or removed without the prior agreement of the Local Planning Authority. This condition remains appropriate and will be reimposed. Conditions 12 – 16 required the development to be carried out in accordance with tree protection measures approved by an arboriculturist. There is no indication that the construction failed to comply with these measures, and as the works are largely complete and the properties are now occupied, it is not considered necessary to reapply these conditions.

**8.7.10 Condition 17**

Condition 17 concerns the planting of the replacement TPO trees and the completion of the site landscaping following the first beneficial use of the site. It is noted that these works remain incomplete and are currently the subject of an enforcement investigation (ref. E21/0377). This condition will therefore be reimposed, with a revised requirement for the trees and landscaping to be completed no later than the end of the next planting season.

**8.7.11 Condition 18**

Condition 18 requires the consent to be in accordance with bat mitigation and ecological enhancement area documents submitted on 19/1003. There is no reason to suggest that the works were not undertaken in accordance with these details. As the construction is complete, it is not necessary to re-impose this condition. Since the date of this consent, there has been updates within in Planning Policy Wales and Future Wales. 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. PPW 12 requires development to provide a net-benefit for biodiversity informed by a Green Infrastructure Statement that uses the DECCA principles and step-wise approach as detailed within Chapter 6. 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. A Green Infrastructure Statement has been submitted with the application and details shrub planting in the rear garden and Swift bird boxes added to the north east elevation. Given the scale of the proposals, this is considered acceptable. Additionally, the planting around the site and ecological enhancement area documents is considered a biodiversity net gain. An additional condition will be added to secure the biodiversity enhancement details relating to plot 5.

## 8.8 **Planning Contributions**

8.8.1 Planning Contributions are not required as they have been dealt with under consent 19/1003, and this application relates solely to the alteration of design of plot 5. The Planning Contributions Manager has confirmed that the Affordable Housing payment has already been paid prior to the determination of this application. The trigger point for the contribution to be paid was prior to the occupation of the 3<sup>rd</sup> dwelling and this was the sole contribution secured.

## 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 alterations to plot 5 are considered acceptable. The alterations would remain in keeping with the character and appearance of the other properties on site and surrounding area and would not have a harmful impact upon residential amenity or highway safety. It is therefore considered that the proposals comply with the aforementioned policies.

## **11. DECISION**

### **Granted with Conditions**

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

Documents applicable to all site unless otherwise specified:

01 - Site Plan and Site Location Plan

Site Plan House 5 JMDEV.07/PL09.20/02.E

GM MARSHFIELD PLANNING H.5-5 house scheme FLOOR PLANS- JMDEV.07/PL20/03

SUNLIGHT / PROXIMITY ANALYSIS - JMDEV.07/PL20/05

JMDEV.07/PL20/04.B- Elevation Drawings

SK08\_28.7.21 (2). Vehicle Swept paths for large car

SMW GM MARSHFIELD Tree planting scheme-St Mellon Rd Planting scheme

MARSHFIELD PLANNING H.5 1 ACCESS TPP Oct 20-21 St Mellons Rd TPP 5th House Oct 20 (2)

10129\_500\_r13 Drainage Layout

10129\_501\_r02 Drainage Sections

10129\_701\_r04 Cross sections

Outline construction Management Plan Rev C

Ecological Design Strategy, report number SH0319, prepared by Sophie Higgins, dated June 2021;

Flood Risk Assessment

Schedule and sample picture of materials

Development tree report by SMW Tree Consultancy Ltd (superseded plans at back and replaced by SMW GM MARSHFIELD Tree planting scheme-St Mellon Rd Planting scheme

MARSHFIELD PLANNING H.5 1 ACCESS TPP Oct 20-21 St Mellons Rd TPP 5th House Oct 20)

Documents applicable to plot 5 pursuant to permission 25/0927:

P816 L 210 - Proposed Elevations 1 of 2

P816 L 211 - Proposed Elevations 2 of 2

P816 L 201 - Proposed First Floor Plan

P816 L 200 - Proposed Ground Floor Plan

P816\_L\_003\_Site Plan as Proposed\_Rev A

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

2. The construction period shall be carried out in accordance with the approved Construction Environmental Management Plan as detailed in the documents and plans reference; Outline CEMP St Mellons Road Rev C, Site and Delivery Layout and CEMP Further Information 05/03/2020.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in the interests of general amenities and highway/pedestrian safety.

3. 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 health and safety of existing residents and ensure no pollution of, or detriment to, the environment.

4. Plot 5 shall not be occupied until the access, visibility splays, turning areas and parking spaces have been completed in accordance with drawing number Site Plan House 5 JMDEV.07/PL09.20/02.E and SK08\_28.7.21 (2). Vehicle Swept paths. The spaces shall be retained for parking purposes for the lifetime of the development and the visibility sight lines shall thereafter be kept free of all obstructions to visibility over a height of 0.8 metres.  
Reason: In the interests of highway safety, visual amenity and residential amenity, GP2, GP6 and GP7, T4 of the Adopted LDP
5. Within 3 months of the date of this consent, a scheme to detail how the original access point will be closed off, including the replacement means of enclosure and finish shall be submitted to and approved by the Local Planning Authority. The scheme to close off the access shall be carried out in accordance with the approved details and use of the access for vehicular traffic shall permanently cease.  
Reason: In the interests of highway safety, visual amenity and residential amenity, GP2, GP6 and GP7, T4 of the Adopted LDP
6. Prior to the occupation of plot 5, the refuse scheme shall be carried out in accordance with the approved details as detailed within 22/0856 and retained at all times thereafter.  
Reason: In accordance with policy W3 of the Newport Local Development Plan.
7. The following windows shall be fitted with fixed pane obscure glazing to a minimum of level 5 on the Pilkington index of obscurity:

Plot 4: bathroom and ensuite windows facing south-west

Plot 5: bathroom and ensuite windows facing south-west

The obscure windows shall be fitted prior to the beneficial occupation of that unit and shall then be retained for the lifetime of the development.

Reason: In the interests of privacy.

8. Except where otherwise agreed in writing by the Local Planning Authority, no existing trees shall be felled, topped or lopped, and no existing hedges shall be removed.  
Reason: To protect existing landscape features on the site.
9. The replacement TPO trees and Landscaping scheme shown on the submitted landscaping drawing SMW 21 St Mellons Road TPOs /003) shall be planted no later than the end of the next planting season. The replacement trees will automatically be protected by Tree Preservation Order 77 Monmouthshire. 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 protect important landscape features within the site.
10. Notwithstanding the details as submitted shown on the submitted landscaping drawing SMW 21 St Mellons Road TPOs /003), prior to the occupation of plot 5, written approval of the Local Planning Authority is required to a scheme of landscaping (indicating the number, species, heights on planting and positions of all 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, 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. Applicable to plot 5 pursuant to permission 25/0927:

Prior to the first beneficial occupation of dwelling 5 hereby approved, two swift boxes shall be installed as indicated on the North East side elevation (Drawing No. P816 L\_210) and retained as such thereafter 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 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP13, SP18, GP1, GP2, GP4, GP5, GP6, GP7, CE6, H2, H4, H6 and T4. were relevant to the determination of this application.

02 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.

03 In the event of any archaeological features being discovered during the development of the site, the applicant/developer is advised to cease work and contact Glamorgan Gwent Archaeological Trust (GGAT) on 01792 655 208.

04 The applicant/developer is advised that there may be a need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991.

06 Any surface water run-off from the site should not discharge onto the adopted highway