

# Agenda



## Planning Site Sub-Committee

---

Date: Thursday, 11 August 2016

Time: Depart Civic Centre Main Entrance at **9.30 a.m.** for Site Inspection

Venue: Followed by a Planning Site Sub-Committee meeting scheduled for **12 noon in the Council Chamber, Civic Centre**

To: Councillors P Huntley (Chair), V Delahaye (Deputy Chair), R White, K Critchley, C Evans and M Al-Nuaimi

Substitute Councillors: Councillors Linton and Fouweather – **for information**

---

Item		Wards Affected
1	<u>Agenda Page - Welsh Cym</u> (Pages 3 - 4)	
2	<u>Apologies for Absence</u>	
3	<u>Declarations of Interest</u>	
4	<u>Minutes</u> (Pages 5 - 6)	
5	<u>Planning Application Schedule</u> (Pages 7 - 22)	Allt-yr-yn

This page is intentionally left blank



# Agenda

## Is-bwyllgor Safle Cynllunio

---

Dyddiad: 11 Awst, 2016

Amser: Gadael Mynedfa'r Ganolfan Ddinesig am **9.30 a.m.** ar gyfer Archwiliad y Safle

Lleoliad: A ddilynir gan gyfarfod Is-bwyllgor Safle Cynllunio a drefnwyd am **12 canol dydd yn Siambr y Cyngor, Canolfan Ddinesig**

At sylw: Y Cynghorwyr Huntley (Cadeirydd), Delahaye (Dirprwy Gadeirydd), Al-Nuaimi, Critchley, C Evans a White

---

### Rhan 1

Eitem	Wardiau Dan Sylw
1. <u>Agenda Cym</u>	
2. <u>Ymddiheuriadau dros Absenoldeb</u>	
3. <u>Datganiadau Diddordeb</u>	
4. <u>Cofnodion y cyfarfod diwethaf</u>	Pob Ward
5. <u>Rheoli Datblygu: Rhaglen Ceisiadau Cynllunio</u>	Allt-yr-yn

This page is intentionally left blank

# Minutes



## Planning Site Sub-Committee

---

Date: 12 May 2016

Time: 12.00 noon

Present: Councillors P Huntley (Chair), V Delahaye (Deputy Chair), R White, M Al-Nuaimi and K Critchley

G Roberts (Principal Planning Officer), C Jones (Principal Engineer), J Evans (Senior Solicitor) and M Durkin (Democratic Services Officer)

Apologies: Councillors C Evans

---

### 1 Minutes

#### Resolved

That the Minutes of the meeting held on 10 March, 2016 be taken as read and confirmed.

### 2 Planning Application Schedule

#### Resolved

(1) That decisions be recorded as shown on the Planning Applications Schedule attached as Appendix A.

(2) That the Head of Regeneration, Investment & Housing be authorised to draft any amendments to/additional conditions or reasons for refusal in respect of the Planning Applications Schedule, attached.

Appendix

PLANNING SITE SUB COMMITTEE – 12 May 2016

DECISION SCHEDULE

No	Site/Proposal	Ward	Additional Comments	Decision
15/0762	Phase 1, Glan Llyn Development site, Queensway, Llanwern  Retention of pumping station and means of enclosure associated alterations to the layout of the LEAP and landscaping (amendment to Planning Permission 11/0146 for Phase 1 Housing)	Lliswerry Llanwern	The Planning Site Sub Committee viewed the site to get an appreciation of the size of the site and the impact the development would have.  The Officers were recommending granting the application with conditions.	Granted with conditions including additional conditions requiring full details of (a) the enclosure of the pumping station and its gate opening and (b) the submission of a landscape management schedule for the total area of the application including details of regular maintenance.

# Report

## Planning Site Sub-Committee

Part 1

Item No 5

**Subject** Planning Application Schedule – Site Visit

**Purpose** To make decisions on items presented on the attached Schedule.

**Author** Interim Development and Regeneration Manager

**Ward** As indicated on the schedule

**Summary** Attached is a Planning Application Schedule, detailing those applications requiring a site visit, as recommended by Planning Committee on 3rd August 2016. The Planning Site Sub-Committee will visit the sites, listed in the attached schedule, on 11<sup>th</sup> August 2016 in order to gain a better understanding of the proposal/case so that a decision can be made.

**Proposal**

1. To visit the application sites detailed in the attached Schedule.
2. To make decisions in respect of the Planning Applications Schedule attached.

**Action by** Planning Site Committee

**Timetable** Immediate

The Officer recommendations detailed in this report are made following consultation with local residents, Members and statutory consultees as set out in the Council's approved policy on planning consultation and in accordance with legal requirements.

## Protocol

1. A Planning Protocol for Planning Sub-Committee site visits was approved by Council on 08 April 2008 and amended in February 2013.
2. A Sub-Committee of the Planning Committee will be constituted for the purposes of undertaking site visits on behalf of the Planning Committee. It will be known as the Planning Site Sub-Committee.
3. The Planning Site Sub-Committee shall comprise of six named Councillors of the Planning Committee. Rules of political balance as set down in the Local Government and Housing Act 1989 will apply.
4. A site visit by the full Planning Committee may be undertaken in lieu of the Planning Site Sub-Committee if the scale or sensitivity of the development merits such consideration. The decision to undertake a full Planning Committee visit lies with that Committee.

## Purpose of Site Inspections

5. Site inspections by the Planning Site Sub-Committee or full Planning Committee will be undertaken for the following purposes:
  - fact find;
  - investigate specific issues raised in any request for a site inspection;
  - investigate issues arising from the Planning Committee presentation or discussion;
  - enable the Planning Site Sub-Committee to make decisions.

## Requests for Site Inspections

6. Any member of the Council may request that a planning application site be visited by the Planning Site Sub-Committee prior to the determination of that application. Such requests must be made in writing [e-mail is sufficient] to the named case officer dealing with the application or the Development Services Manager. Any such request must include specific reasons for the visit.
7. Applications subject to a request for a visit will be reported to the Planning Committee. The report will include details of the request and the reasons given. Planning Committee will decide, following a full presentation of the application, whether or not a site visits is necessary to inform the decision making process.
8. Where no request for a site visit has been made members of the Planning Committee may decide during consideration of an application that a site inspection would be beneficial. The reasons for the visit should be agreed and recorded as part of the minute of the meeting.
9. Occasionally there will be circumstances when timescales for determination will not allow site visits to be programmed in the normal way eg those related to telecommunications development. In such **exceptional circumstances**, at the discretion of the Chairman and Vice-Chairman of the Planning Committee, a site visit may be undertaken prior to the presentation of the matter to the Planning Committee. **As Members of the Sub-Committee will not have received a formal presentation on the application a recommendation cannot be given.** They will be able to report their findings of fact to the Planning Committee. Members should make their written request, with reasons, in the normal way. All other aspects of the protocol will apply.



## Attendance at Planning Site Sub-Committee Visits

10. Attendance at Planning Site Sub-Committee visits is to be restricted as follows:

- Members of the Planning Site Sub-Committee;
- Relevant Officers;
- Ward Councillors;
- Single representative of the Community Council [if relevant];
- Applicant/Agent to allow access to the site;
- Neighbour/other Landowner [where access is required to make any assessment].

## Representations at Planning Site Sub-Committee Visits

11. A site visit is not an opportunity to lobby on an application. Accordingly, no representations may be made to the Planning Site Sub-Committee by any party. Members of the Sub-Committee may ask questions of those present to establish matters of fact and inform their consideration of the application.

---

## Background

The reports contained in this schedule assess the proposed development or the unauthorised development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an Officer Recommendation.

The purpose of the attached reports and associated Officer presentation to the Committee is to allow the Planning Site Sub Committee to make a decision on each application in the attached schedule having weighed up the various material planning considerations.

The decisions made are expected to benefit the City and its communities by allowing good quality development in the right locations and resisting inappropriate or poor quality development in the wrong locations.

Applications can be granted subject to planning conditions. Conditions must meet all of the following criteria:

- Necessary;
- Relevant to planning legislation (i.e. a planning consideration);
- Relevant to the proposed development in question;
- Precise;
- Enforceable; and
- Reasonable in all other respects.

Applications can be granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). This secures planning obligations to offset the impacts of the proposed development. However, in order for these planning obligations to be lawful, they must meet all of the following criteria:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The applicant has a statutory right of appeal against the refusal of permission in most cases. There is no third party right of appeal against a decision.

Where formal enforcement action is taken, the recipient of the Notice has a statutory right of appeal in most cases. There is no third party right of appeal against a decision with the exception of High Hedge Remedial Notices. Appeals are normally lodged with the Planning Inspectorate at the Welsh Assembly Government. Non-compliance with a statutory Notice is a criminal offence against which prosecution proceedings may be sought. The maximum level of fine and/or sentence that can be imposed by the Courts depends upon the type of Notice issued.

Work is carried out by existing staff and there are no staffing issues. It is sometimes necessary to employ a Barrister to act on the Council's behalf in defending decisions at planning appeals. This cost is met by existing budgets. Where the Planning Committee or Planning Site Sub Committee refuses an application against Officer advice, Members will be required to assist in defending their decision at appeal.

Where applicable as planning considerations, specific issues relating to sustainability and environmental issues, equalities impact and crime prevention impact of each proposed development are addressed in the relevant report in the attached schedule.

### **Financial Summary:**

The cost of determining planning applications, taking enforcement action, carrying out Committee site visits and defending decisions at any subsequent appeal is met by existing budgets and partially offset by statutory planning application fees. Costs can be awarded against the Council at an appeal if the Council has acted unreasonably and/or cannot defend its decisions. Similarly, costs can be awarded in the Council's favour if an appellant has acted unreasonably and/or cannot substantiate their grounds of appeal.

In the case of Section 215 Unsightly Land Notices, an appeal is lodged with Planning Inspectorate at the Welsh Assembly Government and the Council will seek to recover all its costs in relation to all such appeals.

In the case of Stop Notices, compensation can be awarded against the Council if it is demonstrated that the breach of planning control alleged has not occurred as a matter of fact, the breach is immune from enforcement action due to the passage of time, or the activities/development have already been granted planning permission.

### **Risks:**

Four risks are identified in relating to the determination of planning applications by Planning Committee or Planning Site Sub Committee: decisions being overturned at appeal; appeals being lodged for failing to determine applications within the statutory time period; and judicial review.

An appeal can be lodged by the applicant if permission is refused or if conditions are imposed. Costs can be awarded against the Council if decisions cannot be defended as reasonable, or if it behaves unreasonably during the appeal process, for example by not submitting required documents within required timescales. Conversely, costs can be awarded in the Council's favour if the appellant cannot defend their argument or behaves unreasonably.

An appeal can also be lodged by the applicant if the application is not determined within the statutory time period. However, with the type of major development being presented to the Planning Committee, which often requires a Section 106 agreement, it is unlikely that the application will be determined within the statutory time period. Appeals against non-determination are rare due to the further delay in receiving an appeal decision: it is generally quicker for applicants to wait for the Planning Authority to determine the application. Costs could only be awarded against the Council if it is found to have acted unreasonably. Determination of an application would only be delayed for good reason, such as resolving an objection or negotiating improvements or Section 106 contributions, and so the risk of a costs award is low.

An appeal can be lodged by any recipient of a formal Notice, with the exception of a Breach of Condition Notice. Costs can be awarded against the Council if decisions cannot be defended as reasonable, or if it behaves unreasonably during the appeal process, for example by not submitting required documents within required timescales. Conversely, costs can be awarded in the Council's favour if the appellant cannot defend their argument or behaves unreasonably.

If a Stop Notice is issued, compensation can be awarded against the Council if it is demonstrated that the breach of planning control alleged has not occurred as a matter of fact, the breach is immune from enforcement action due to the passage of time, or the activities/development has already been granted planning permission. Legal advice is sought before taking such action, and a cost-benefit analysis is undertaken to fully assess the proposed course of action.

A decision can be challenged in the Courts via a judicial review where an interested party is dissatisfied with the way the planning system has worked or how a Council has made a planning decision. A judicial review can be lodged if a decision has been made without taking into account a relevant planning consideration, if a decision is made taking into account an irrelevant consideration, or if the decision is irrational or perverse. If the Council loses the judicial review, it is at risk of having to pay the claimant's full costs in bringing the challenge, in addition to the Council's own costs in defending its decision. In the event of a successful challenge, the planning permission would normally be quashed and remitted back to the Council for reconsideration. If the Council wins, its costs would normally be met by the claimant who brought the unsuccessful challenge. Defending judicial reviews involves considerable officer time, legal advice, and instructing a barrister, and is a very expensive process. In addition to the financial implications, the Council's reputation may be harmed.

Mitigation measures to reduce risk are detailed in the table below. The probability of these risks occurring is considered to be low due to the mitigation measures, however the costs associated with a public inquiry and judicial review can be high.

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Decisions challenged at appeal and costs awarded against the Council.	M	L	<p>Ensure reasons for refusal or reasons for taking enforcement action can be defended at appeal.</p> <p>Ensure planning conditions imposed meet the tests set out in Circular 016/2014.</p> <p>Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.</p>	<p>Planning Committee</p> <p>Planning Committee</p> <p>Development Services Manager and Senior Legal Officer</p>
Appeal lodged against non-determination, with costs awarded against the Council	M	L	Avoid delaying the determination of applications unreasonably.	Development Services Manager
Judicial review	H	L	Ensure sound and rational	Planning

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
successful with costs awarded against the Council			decisions are made.	Committee  Development Services Manager
Compensation awarded in relation to a Stop Notice	M	L	Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.	Development Services Manager and Senior Legal Officer

\* Taking account of proposed mitigation measures

### Links to Council Policies and Priorities

The Council's Corporate Plan 2012-2017 identifies five corporate aims: being a Caring City; a Fairer City; A Learning and Working City; A Greener and Healthier City; and a Safer City. Key priority outcomes include ensuring people live in sustainable communities; enabling people to lead independent lives; ensuring decisions are fair; improving the life-chances of children and young people; creating a strong and confident local economy; improving the attractiveness of the City; promoting environmental sustainability; ensuring people live in safe and inclusive communities; and making Newport a vibrant and welcoming place to visit and enjoy.

Through development management decisions, good quality development is encouraged and the wrong development in the wrong places is resisted. Planning decisions can therefore contribute directly and indirectly to these priority outcomes by helping to deliver sustainable communities and affordable housing; allowing adaptations to allow people to remain in their homes; improving energy efficiency standards; securing appropriate Planning Contributions to offset the demands of new development to enable the expansion and improvement of our schools and leisure facilities; enabling economic recovery, tourism and job creation; tackling dangerous structures and unsightly land and buildings; bringing empty properties back into use; and ensuring high quality 'place-making'.

The Corporate Plan links to other strategies and plans, the main ones being:

- Single Integrated Plan;
- Local Development Plan 2011-2026 (Adopted January 2015);

The Newport Single Integrated Plan (SIP) is the defining statement of strategic planning intent for the next 3 years. It identifies key priorities for improving the City. Its vision is: "*Working together to create a proud and prosperous City with opportunities for all*"

The Single Integrated Plan has six priority themes, which are:

- Skills and Work
- Economic Opportunity
- Health and Wellbeing
- Safe and Cohesive Communities
- City Centre
- Alcohol and Substance Misuse

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 all planning applications must be determined in accordance with the Local Development Plan 2011-2026 (Adopted January

2015 unless material considerations indicate otherwise. Planning decisions are therefore based primarily on this core Council policy.

### **Options available**

- 1) To determine applications in accordance with the Officer recommendation (with amendments to or additional conditions or reasons for refusal if appropriate);
- 2) To determine that applications be granted or refused against the Officer recommendation (in which case the Site Inspection Sub-Committee's recommendation and reasoning should be clearly minuted);

With regards to enforcement cases:

- 1) To determine that enforcement action is taken (or no further action is taken) in accordance with the Officer recommendation (with amendments to or additional requirements or reasons for taking formal action if appropriate);
- 2) To determine that a different course of action be taken to that recommended by Officers (in which case the Site Inspection Sub-Committee's recommendation and reasoning should be clearly minuted).

### **Comments of Chief Financial Officer**

In the normal course of events, there should be no specific financial implications arising from the determination of planning applications.

There is always a risk of a planning decision being challenged at appeal. This is especially the case where the Committee makes a decision contrary to the advice of Planning Officers or where in making its decision, the Committee takes into account matters which are not relevant planning considerations. These costs can be very considerable, especially where the planning application concerned is large or complex or the appeal process is likely to be protracted.

Members of the Planning Committee should be mindful that the costs of defending appeals and any award of costs against the Council following a successful appeal must be met by the taxpayers of Newport.

There is no provision in the Council's budget for such costs and as such, compensating savings in services would be required to offset any such costs that were incurred as a result of a successful appeal.

### **Comments of Monitoring Officer**

Planning Committee are required to have regard to the Officer advice and recommendations set out in the Application Schedule, the relevant planning policy context and all other material planning considerations. If Members are minded not to accept the Officer recommendation, then they must have sustainable planning reasons for their decisions.

### **Local issues**

Ward Members were notified of planning applications in accordance with the Council's adopted policy on planning consultation. Any comments made regarding a specific planning application are recorded in the report in the attached schedule

### **Equalities Impact Assessment and the Equalities Act 2010**

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act 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. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other

conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that 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.

An Equality Impact Assessment for delivery of the Development Management service has been completed and can be viewed on the Council's website.

### **Children and Families (Wales) Measure**

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

### Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act 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 (section 5).

Objective 9 (Health and Well Being) of the adopted Newport Local Development Plan (2011-2026) links to this duty with its requirement to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.

### Planning (Wales) Act 2015 (Welsh Language)

Section 11 of the Act makes it mandatory for all Local Planning Authorities to consider the effect of their Local Development Plans on the Welsh language, by undertaking an appropriate assessment as part of the Sustainability Appraisal of the plan. It also requires Local Planning Authorities to keep evidence relating to the use of the Welsh language in the area up-to-date.

Section 31 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. The provision does not apportion any additional weight to the Welsh language in comparison to other material considerations. Whether or not the Welsh language is a material consideration in any planning application remains entirely at the discretion of the decision maker.

### 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. Objectives 1 (Sustainable Use of Land) and 9 (Health and Well-being) of the adopted Newport Local Development Plan (2011-2026) link to this requirement to ensure that development makes a positive contribution to local communities and to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.

### **Consultation**

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

## **Background Papers**

### **NATIONAL POLICY**

Planning Policy Wales (PPW) Edition 8 (January 2016)

Minerals Planning Policy Wales (December 2000)

#### *PPW Technical Advice Notes (TAN):*

TAN 1: Joint Housing Land Availability Studies (2006)

TAN 2: Planning and Affordable Housing (2006)

TAN 3: Simplified Planning Zones (1996)

TAN 4: Retailing and Town Centres (1996)

TAN 5: Nature Conservation and Planning (2009)

TAN 6: Planning for Sustainable Rural Communities (2010)

TAN 7: Outdoor Advertisement Control (1996)

TAN 8: Renewable Energy (2005)

TAN 9: Enforcement of Planning Control (1997)

TAN 10: Tree Preservation Orders (1997)

TAN 11: Noise (1997)

TAN 12: Design (2014)

TAN 13: Tourism (1997)

TAN 14: Coastal Planning (1998)

TAN 15: Development and Flood Risk (2004)

TAN 16: Sport, Recreation and Open Space (2009)

TAN 18: Transport (2007)

TAN 19: Telecommunications (2002)

TAN 20: The Welsh Language: Unitary Development Plans and Planning Control (2013)

TAN 21: Waste (2014)

TAN 23: Economic Development (2014)

Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)

Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)

Welsh Government Circular 016/2014 on planning conditions

### **LOCAL POLICY**

Newport Local Development Plan (LDP) 2011-2026 (Adopted January 2015)

#### Supplementary Planning Guidance (SPGs):

Affordable Housing (adopted August 2015)

Archaeology & Archaeologically Sensitive Areas (adopted August 2015)

Flat Conversions (adopted August 2015)

House Extensions and Domestic Outbuildings (adopted August 2015)

Houses in Multiple Occupation (HMOs) (adopted August 2015)

New dwellings (adopted August 2015)

Parking Standards (adopted August 2015)

Planning Obligations (adopted August 2015)

Security Measures for Shop Fronts and Commercial Premises (adopted August 2015)

Wildlife and Development (adopted August 2015)

### **OTHER**

The Colliers International Retail Study (July 2010) is not adopted policy but is a material consideration in making planning decisions.

The Economic Development Strategy is a material planning consideration.

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 are relevant to the recommendations made.

Other documents and plans relevant to specific planning applications are detailed at the end of each application report in the attached schedule

---



## Planning Application Schedule

### APPLICATION DETAILS

**No:** 16/0429      **Ward:** ALLT-YR-YN  
**Type:** FULL  
**Expiry Date:** 14-AUG-2016  
**Applicant:** M ANWAR  
**Site:** 3, OAKFIELD ROAD, NEWPORT, NP20 4LZ  
**Proposal:** DEMOLITION OF CONSERVATORY AND ERECTION OF SINGLE STOREY REAR EXTENSION, NEW PATIO AND STEPS

**Recommendation:** GRANTED WITH CONDITIONS

#### 1. INTRODUCTION

- 1.1 This application seeks planning permission for the erection of a single storey extension to the rear elevation at 3 Oakfield Road, in the Allt-yr-yn Ward. The application has been called in to be determined by the Planning Committee by Councillors Ferris and Evans.
- 1.2 The property is a detached dwelling set down from Oakfield Road, in a predominantly residential area characterised by a range of semi-detached and detached properties. The curtilage of the property consists of a sloped front garden with driveway and level rear garden that backs onto the rear of properties on Llanthewy Road. The site adjoins no.5 Oakfield Road to the western intervening side boundary which is higher in ground level and no.1 Oakfield Road to the eastern intervening side boundary which has a ground level approximately 0.8 metres lower.
- 1.3 A planning application (05/0340) at this property for a single storey rear extension was determined at Planning Committee in 2005. The application was granted with conditions and this application is effectively a re-submission of that application due to the lapse in planning permission after five years. The previous application was determined under the previous Unitary Development Plan policies. This current application has been assessed against the relevant Newport Local Development Plan 2011-2026 (adopted January 2016) policies.

#### 2. RELEVANT SITE HISTORY

05/0340	ERECTION OF SINGLE STOREY REAR EXTENSION AND DEMOLITION OF REAR CONSERVATORY	GRANTED WITH CONDITIONS
---------	--	-------------------------

#### 3. POLICY CONTEXT

- 3.1 The following policies of the Newport Local Development Plan 2011-2026 (adopted January 2015) are relevant to the determination of this planning application.
- 3.2 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.

- 3.3 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.

#### **4. CONSULTATIONS**

- 4.1 DWR CYRMU WELSH WATER: A public sewer crosses the application site and the following should be included in any planning permission granted:

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652. The developer must contact us if a sewer connection is required under Section 106 of the Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

#### **5. INTERNAL COUNCIL ADVICE**

- 5.1 None.

#### **6. REPRESENTATIONS**

- 6.1 NEIGHBOURS:

All properties with a common boundary with the application site were consulted (3no. properties) and one letter of objection has been received by the occupier of no.1 Oakfield Road stating the following:

- My ground level is about three feet lower than no.3. If this building goes ahead I will be faced with a large brick wall to first floor height which will detract from my outlook. There is also a very large evergreen tree on the boundary. Which means my property will be practically enclosed on that side to a considerable height. As I have an empty office building next door and a dentist in the pair of properties at the back if you decide to give permission for this extension I think I can say that I am not in a residential area as my house will be cut off.

- 6.2 COUNCILLORS: Councillor Evans has objected to the application due to concerns over the overbearing impact and loss of the light the proposal would have on no.1 Oakfield Road and does not believe the proposal will improve the visual amenity of the surrounding area.

- 6.3 Councillor Ferris has objected to the application due to the difference in ground levels between no.1 and no.3 Oakfield Road and the dominant impact that the proposal would have on the conservatory of no.3.

#### **7. ASSESSMENT**

- 7.1 The proposed extension would include the demolition of the existing conservatory that is currently located to the rear elevation of this detached property. The extension would provide a living room, study and bathroom/cloakroom at ground floor level. The extension would measure 9.3 metres wide, by 3.9 metres deep and would have a 'lean to' roof with a height of 2.51 metres to eaves and 3.6 metres to the highest point. The garden slopes away from the rear wall of the property and the extension would be erected on a platform of 0.70 metres in height to create a level surface to build upon. The difference between the lowest point of the platform and highest point of the extension would measure approximately 4.7 metres, which would give the overall combined height of the extension and raised area.

- 7.2 Fenestration would consist of two windows and a set of french doors in the rear (south facing) elevation and there are no windows proposed in either side elevation. There is a window proposed in the existing side (east facing) elevation that faces towards no.1, however this windows is obscure glazed and would protect the privacy of no.1.
- 7.3 Policies GP2 (General Amenity) and GP6 (Quality of Design) of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the '*House Extensions and Domestic Outbuildings*' Supplementary Planning Guidance are relevant to the determination of this application.
- 7.4 The proposed extension would result in an increase in the built form of the property and would extend outwards from the rear elevation. The extension is not considered to impact on no.5 due to the difference in land levels with no.5 being on higher ground. No.1 however is approximately 0.8 metres lower than the application property and this should be given consideration as the difference in ground levels gives potential for impact on the neighbouring property. In this case the extension does not encroach any closer to the boundary with no.1 than the existing side wall of the house and there is a distance of approximately 2.0 metres from the east facing side wall of the proposed extension and the boundary with no.1. The approximate distance between the extension and the conservatory of no.1 is 6.0 metres and due to the scale and location of the proposed extension it is not considered to have an overbearing impact on no.1. The 45 degree splays taken on both the horizontal and vertical axis from the conservatory do not intersect with the proposed extension. The orientation of no.1 allows for the conservatory to receive direct sunlight as it is south facing. The proposed single storey extension is modest in size and is located to the west, it is therefore considered that there would be no direct loss of light to no.1 as a result. No.1 has an obscure glazed window in the side elevation facing no.3 and there is a window proposed in the side elevation of the existing house that faces no.1. The difference in ground levels and the boundary fence combined with both windows being obscure glazed is enough to consider that there would not any loss of privacy or overlooking towards either property. On balance, it is considered that the proposal is in accordance with policy GP2 (General Amenity) of the LDP.
- 7.5 The proposed extension would be located on the rear elevation of the property, would not be in view from the public realm and the proposed materials match those of the existing dwelling house. It is therefore considered that it would not have any visual impact on the surrounding streetscene and would not affect the character and appearance of the main dwelling. On balance, it is considered that the proposal is in accordance with policy GP6 (Quality of Design) of the LDP.

## 8. OTHER CONSIDERATIONS

### 8.1 ***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.

### 8.2 ***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.

### 8.3 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.

8.4 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.

8.6 ***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.

8.7 ***Wellbeing of Future Generations (Wales) Act 2015***

Section 3 of the Act 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 (section 5). This duty has 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.

**9. CONCLUSION**

9.1 The proposed single storey rear extension is considered to preserve daylight and visual amenities to neighbouring properties and is considered to be in accordance with the requirements of policies GP2 and GP6 of the Local Development Plan and the House Extensions SPG.

**10. RECOMMENDATION**

**GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents: Drawing No. 020-01 Existing and Proposed Ground Floor Plans and Elevations.

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 No openings shall be installed in the east and west side facing elevations of the single storey rear extension hereby approved without the prior written permission of the Local Planning Authority.

Reason: To protect privacy to adjoining occupiers.

**NOTE TO APPLICANT**

01 This decision relates to plan Nos: Drawing No. 020-01 Existing and Proposed Ground Floor Plans and Elevations.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2 and GP6 were relevant to the determination of this 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 The proposed development site is crossed by a public sewer with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652. The developer must contact us if a sewer connection is required under Section 106 of the Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

## **11. REASON FOR THE SITE INSPECTION**

To assess the apparent overbearing impact on 1 Oakfield Road.

---

This page is intentionally left blank