

Agenda



Planning Site Sub-Committee

Date: Thursday, 12 October 2017

Time: Depart Civic Centre Main Entrance, Civic Centre at 10.45 am for Site Inspection

Venue: Followed by a Planning Site Committee meeting scheduled for 12 noon in Committee Room 1, Civic Centre

To: Councillors R White, M Al-Nuaimi, J Richards, J Guy, M Linton, J Clarke, Y Forsey, C Ferris, R Mogford, J Jordan and C Townsend

NB: Please click on the link below to view the Planning Code of Practice:-

<http://www.newport.gov.uk/documents/Council-and-Democracy/About-the-council/Planning-Code-of-Conduct/Planning-Code-of-Practice.pdf>

**Copies of the Planning Code of Practice will be available at the meeting.
Part 1**

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 of Last Meeting 9 February 2017</u> (Pages 5 - 8)	
5 <u>Development Management: Planning Application Schedule</u> (Pages 9 - 30)	

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Agenda



Is-bwyllgor Safle Cynllunio

Dyddiad: 12 Hydref, 2017

Amser: Gadael Mynedfa'r Ganolfan Ddinesig am **10.45 am** ar gyfer Archwiliad y Safle

Lleoliad: A ddilynir gan gyfarfod Pwyllgor Cynllunio drefnwyd am **12 pm yn Ystafell Bwyllgoara 1, Canalfan Ddinesig**

At sylw: Y Cynghorwyr Richards (Cadeirydd), Guy (Dirprwy Gadeirydd), Al-Nuaimi, Clarke, Ferris, Forsey, Jordan, Linton, Mogford, Townsend a White

DS: Cliciwch ar y ddolen isod i weld y Cod Ymarfer Cynllunio:-

<http://www.newport.gov.uk/documents/Council-and-Democracy/About-the-council/Planning-Code-of-Conduct/Planning-Code-of-Practice.pdf>

Bydd copïau o'r Cod Ymarfer Cynllunio ar gael yn y cyfarfod

Rhan 1

Eitem

Wardiau Dan Sylw

1. **Agenda Cym**
2. **Ymddiheuriadau dros Absenoldeb**
3. **Datganiadau Diddordeb**
4. **Cofnodion y cyfarfod (ydd) diwethaf**
5. **Rheoli Datblygu: Rhaglen Ceisiadau Cynllunio**

Lliswerry

Langstone

Cysylltwch â: Michele Chesterman

Ffôn: 01633 656656

E-bost: michele.chesterman@newport.gov.uk

Dyddiad Cyhoeddi: 5 Hydref, 2017

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Minutes



Planning Site Sub-Committee

Date: 9 February 2017

Time: 12.00 noon

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

J Davidson (East Area Applications Manager), J Evans (Senior Solicitor) and M Durkin (Democratic Services Officer)

Apologies: Councillors C Evans

1 Minutes

The Minutes of the meeting held on 19 January, 2017 were submitted.

Resolved

That the Minutes of the meeting held on 19 January, 2017 be taken as read and confirmed.

2 Development Management

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.

PLANNING SITE SUB COMMITTEE – 9 February, 2017

DECISION SCHEDULE

No	Site/Proposal	Ward	Additional Comments	Decision
16/1218	<p>Vacant former showroom and workshops adjacent Carcraft, Langland Way</p> <p>Retention of building for B1/B2/B8 use to provide 4998 square metres of floor space and associated infrastructure including parking and circulation areas</p>	Lliswerry	<p>The Site Sub-Committee inspected the site and assessed the impact of the development on the adjacent buildings.</p> <p>Councillor Critchley, Lliswerry Ward Member spoke on this application.</p> <p>The Officers were recommending the application be granted with conditions.</p>	Refused due to the overbearing effect on adjacent commercial property and the development unduly dominating the street scene particularly its relationship with Langland Way

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Report

Planning Site Sub-Committee

Part 1

Item No.

Subject **Planning Application Schedule – Site Visit**

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

Author **Head of Regeneration, Investment and Housing**

Ward As indicated on the schedule

Summary Attached is a Planning Application Schedule, detailing an application requiring a site visit, as recommended by Planning Committee on 4th October 2017. The Planning Site Sub-Committee will visit the sites, listed in the attached schedule, on Thursday 12th October in order to gain a better understanding of the proposal/case so that a decision can be made.

Proposal 1. **To visit the application site detailed in the attached Schedule.**
 2. **To make decisions in respect of the Planning Application attached.**

Action by Planning 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

NB Protocol is currently being amended as a result of Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017 and the Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017 – Site inspections shall continue to be decision-making meetings rather than fact-finding, and will be carried out by full Committee, with a minimum quorum requirement of 6 members.)

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 e.g. 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	Ensure reasons for refusal or reasons for taking enforcement action can be defended at appeal.	Planning Committee
			Ensure planning conditions imposed meet the tests set out in Circular 016/2014.	Planning Committee
			Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.	Development Services Manager and Senior Legal Officer
Appeal lodged against non-	M	L	Avoid delaying the determination of applications	Development Services

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?
determination, with costs awarded against the Council			unreasonably.	Manager
Judicial review successful with costs awarded against the Council	H	L	Ensure sound and rational decisions are made.	Planning 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 9 (November 2016)

Development Management Manual 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 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) (updated January 2017)

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)

Mineral Safeguarding (adopted January 2017)

Outdoor Play Space (adopted January 2017)

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

APPLICATION DETAILS

No: 17/0604 **Ward:** LANGSTONE

Type: OUTLINE

Expiry Date: 18-OCT-2017

Applicant: N PHILLIPS

Site: MALVERN HOUSE, CHEPSTOW ROAD, NEWPORT, NP18 2JP

Proposal: SUBDIVISION OF CURTILAGE AND ERECTION OF DETACHED TWO STOREY DWELLING WITH ACCESS FROM TREGARN ROAD AND CREATION OF NEW VEHICULAR ACCESS OFF CHEPSTOW ROAD (A48) TO SERVE EXISTING DWELLING

Recommendation: GRANTED WITH CONDITIONS SUBJECT TO SECTION 106 AGREEMENT

1. INTRODUCTION

- 1.1 This application seeks outline planning permission with all matters reserved for the subdivision of curtilage and construction of detached two storey property within the rear garden of Malvern House, Langstone. The application also includes the provision of a parking area to the front of the existing property at Malvern House and the formation of a new vehicular access onto Chepstow Road.
- 1.2 The application site is a detached residential property that is located within a large curtilage comprising of a garden that fronts onto Chepstow Road to the south and a large private rear garden that backs onto and benefits from a vehicular access onto Tregarn Road to the north. To the north east the site shares a boundary with 2no. residential properties namely Acer House and Snaefell and to the south the site borders with Walton House.

2. RELEVANT SITE HISTORY

98/0206	ERECTION OF A DETACHED DWELLING (OUTLINE)	REFUSED
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3. POLICY CONTEXT

3.1 *Newport Local Development Plan 2011- 2026 (Adopted January 2015) –*

SP1 Sustainability: seeks to ensure the development takes into account sustainable development principles.

SP10 House Building Requirement.

SP13 Planning Obligations: Proposals of this scale will be required to provide or make contributions to infrastructure.

GP1 General Development Principles – Climate Change: This policy seeks to ensure that the development is to withstand climate change over the lifetime of the development.

GP2 General Development Principles – General Amenity: There is to be no significant adverse effect on the amenity of the existing or new community.

GP3 General Development Principles – Services Infrastructure: This policy requires justification as to the suitability of the service infrastructure required by the proposal e.g. sewerage.

GP4 General Development Principles – Highways and Accessibility: The proposal must not detrimentally affect the highway capacity. There must be adequate public access and any new roads must be compliant with the Councils design scheme.

GP5 General Development Principles – Natural Environment.

GP6 General Development Principles – Quality of Design: All new development must ensure that they are to achieve good quality design. This is ensuring that the proposal creates a safe, accessible and attractive environment taking into account the context, scale and materials of the design.

GP7 General Development Principles – Environmental Protection and Public Health:

This policy seeks to ensure that there is no unacceptable harm to health from a development.

H2 Housing Standards: Housing developments will be required to be built to high standards of environmental and sustainable design.

H3 Housing Mix and Density.

H4 Affordable Housing.

T4 Parking: This policy requires adequate level of parking to ensure there is no detrimental impact on the new site or existing community.

4. CONSULTATIONS

- 4.1 DWR CYMRU/WELSH WATER: Having had an opportunity to review the application submission package, we advise that the proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs; however, having regard to drawing reference: PL/01, it appears the proposed development would be situated within the protection zone of the public sewer measured 3 metres either side of the centreline. It is possible to divert the sewer if the developer applies under Section 185 of the Water Industry Act and we request that they contact us to discuss our concerns and consider possible solutions. Alternatively we recommend the proposed development is repositioned to accommodate for the required protection zone.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): The proposed property will utilise the existing access off Tregarn Road and I'm satisfied that parking will be provided in accordance with the Newport City Council Parking Standards.

Visibility for the new access onto Chepstow Road is acceptable and sufficient parking will be provided along with a turning area to allow access and egress off the highway in a forward gear.

Subject to the driveway being hard paved, and suitable drainage being employed to prevent surface water run off onto the adopted highway, I would offer no objection to the application.

- 5.2 HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH): I confirm I have no objections to the proposals; however the following condition should be attached to any permission granted;

Construction Environmental Management Plan (CEMP)

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 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 approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of nearby residents and in the interests of highway safety.

Development/Construction Hours

No development, (including land raising and demolition if required) shall be carried out other than between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays.

Reason: To protect the amenities of nearby residents.

Air Quality – Advisory

Newport is known to suffer from particularly poor air quality compared to the rest of Wales. To encourage a change to low/zero emission methods of transport, I advise electric vehicle charging points are installed within the vehicle parking area. Funding may be available for the installation via the government grant scheme - <https://www.gov.uk/government/collections/government-grants-for-low-emission-vehicles>

- 5.3 HEAD OF REGENERATION AND REGULATORY SERVICES (HOUSING): With regard to the above named application for the construction of an additional dwelling within the curtilage of the existing property, I can confirm that due to the affordable housing need within the area there would be a requirement for a commuted sum payment; this figure will be advised by planning policy colleagues.
- 5.4 HEAD OF REGENERATION AND REGULATORY SERVICES (CONTRIBUTIONS MANAGER): Commuted sum payments for affordable housing will be sought on sites of fewer than 10 dwellings within the Housing Target Area of Rural Newport, based upon a 40% target. The methodology for establishing the housing target areas and calculating the associated payments is set out within the adopted [Affordable Housing SPG \(August 2015\)](#).

Based upon a net increase of 1 x 2 bed house, and subject to economic viability, a commuted contribution of £2385 would be requested for affordable housing provision.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties that share a common boundary and are opposite the application site were consulted (13no. properties) and 5no. objections have been received, stating the following objections;

Walton House

- The site is not large enough to accommodate a suitably sized building so as to be in keeping with the character of the adjoining properties (previously refused application 98/0206/O)
- The erection of this dwelling would seriously impact on the privacy of the rear garden of both Acer House and Walton House where much time is spent during the summer months and privacy, currently enjoyed would be lost forever, contrary to Policies GP2, GP6 and H6 of the Newport Local Development Plan 2011-2026 (adopted January 2015).
- The rear of these properties would be directly overlooked into their rear windows at both ground and first floor levels, exaggerated by the fact that the proposed dwelling

is “upside down”. This would devalue the properties and also other nearby properties in Tregarn Road.

- The drainage in Tregarn Road is barely coping in winter months due to over development impacting on the original drainage systems. Witness the recent burst water main in Tregarn Road and blocked culvert crossing under Tregarn Road causing localised flooding some two years ago. Further development would cause even more problems for an already overstretched system.
- It is noted vehicular access would be required directly onto the A48. Malvern House, Walton House and indeed Green Gates have never been allowed vehicle access onto the A48 so near to its busy junction with the B4245 due to the obvious road safety aspect. The junction is a notorious accident black spot and I have seen several fatal road accidents there during my 40 years as a Langstone resident. The access would be more dangerous when the curve in the A48 at this point is taken into account which restricts vision in both directions and road safety would be severely compromised, especially considering the speed limit.

Hillside

- **Detrimental impact to Langstone’s Drainage system.**

The drainage system in Langstone, and in particular in the area of Tregarn Road, is already over-stretched with frequent surface flooding and blocked drains. Any additional pressure on this system will exacerbate the problem.

- **Detrimental impact to privacy**

The neighbour's garden is currently un-overlooked. The proposed new dwelling is very close to the boundary and will reduce privacy in the neighbouring garden. The proposed new development is oversized in relation to the actual plot size available. (Which was the rejection reasons given for a previous application on this site)

Snaefell

- **Detrimental impact to the Highways**

The proposed development property exits on to a very busy road which is on route to Langstone Primary School, additional traffic will increase the risk to drivers and pedestrians.

The existing Malvern House will need to create a new entrance / exit impacting and compromising the highway traffic to the already busy A48 Chepstow Road (as shown on the proposed plans)

The additional traffic movements associated with the proposed dwelling and existing dwelling in this location is not acceptable and deemed as detrimental to highway safety.

- **Detrimental impact to Drainage system.**

The drainage system in Langstone, and in particular in the area of Tregarn Road, is already over-stretched with frequent surface flooding and blocked drains. Any additional pressure on this system will exacerbate the problem.

- **Detrimental impact and Loss of privacy.**

The position of the proposed dwelling will negatively impact upon our privacy, and that of our neighbours. Our garden would be majorly overlooked, and the privacy we currently enjoy, removed.

Due to the positioning and size of the area the property is proposed to be sited in, is detrimental by means of there does not seem to be any measurement / dimensions with regard to the new proposed development on the submitted plans. The proposed dwelling size appears to be squeezed into a disproportionately small plot and within touching distance of our boundary.

The proposed development will invade the current right to quiet and private enjoyment of our garden due to the close proximity of the proposed new development to the boundary of our and neighbouring property resulting in a serious invasion of our privacy.

Thus owing to its scale, position, orientation and position of its windows the proposal will directly overlook the rear gardens of neighbouring properties to the detriment of their residential amenity and contrary to policies GP2, GP6 and H6 of the Newport Local Development Plan 2011 -2026 (Adopted January 2015) and Supplementary Planning Guidance for New Dwellings (Adopted August 2015).

- **Detrimental visual impact**

The proposed development would reduce the current Malvern House development site current square meterage and thus reduce the new proposed development square meterage site thus meaning smaller plots than those that surround it.

The neighbour's garden adjoining the proposed development is currently un-overlooked from that direction. The proposed new dwelling is very close to the boundary and will reduce privacy in our and in the neighbouring gardens thus casting shade.

Owing to the orientation and position of its windows the proposal will directly overlook the rear gardens of neighbouring properties to the detriment of their residential amenity and contrary to policies GP2, GP6 and H6 of the Newport Local Development Plan 2011 -2026 (Adopted January 2015) and Supplementary Planning Guidance for New Dwellings (Adopted August 2015).

- **Detrimental to the Newport Land Development Plan**

Newport LDP Policy H6 aims to prevent over-development of land. The supporting text to the Policy points out those proposals for back land development can have significant effects, and that strict criteria will be applied to ensure that substandard living environments are not created. This proposal does not meet those criteria. The development would be intrusive from the neighbouring rear garden.

- **Environmental impact**

Safety during Construction based upon the proposed position of the dwelling, construction works would have to protect the amenities of nearby residents.

The proposed development factors listed above will thus cause detrimental impact to the highways, drainage system, visual impact, the loss of privacy, change outlook, restrict current views, environmental impact, restrict light to all surrounding properties and thus demonstrably harm the character and appearance and the right to enjoy a quiet residential garden environment currently enjoyed by us and neighbouring residents.

Green Gates

- The site is not large enough to accommodate a suitably sized building so as to be in keeping with the character of the adjoining properties (previously refused application 98/0206. It may also be said that it may cause devaluation of properties in the vicinity.
- The drainage in Tregarn Road is barely coping in winter months due to over development impacting on the original drainage systems. Witness the recent burst water main in Tregarn Road and blocked culvert crossing under Tregarn Road causing localised flooding some two years ago. Further development would cause even more problems for an already overstretched system, not even taking into account of the as yet undeveloped plot at 2, Tregarn Road opposite.
- It is noted vehicular access would be required directly onto the A48. Malvern House, Walton House and indeed Green Gates have never been allowed vehicle access onto the A48 so near to its busy junction with the B4245 due to the obvious road safety aspect. This junction is a notorious accident black spot with several fatal road accidents there in the past. The access would be more dangerous when the curve in the A48 at this point is taken into account which restricts vision in both directions and road safety would be severely compromised, especially considering the speed of the traffic. Additionally, as the previously mentioned junction is a difficult one to negotiate from Tregarn Road, vehicles accessing the A48 near to this junction would only add to the difficulty.

Acer House

- An “upside down” house will indeed give privacy to the new owner but not to existing neighbouring properties and our own property.
- The proposed dwelling is out of step with the character and ambience of the neighbourhood
- Additional traffic movement close to the junction of Tregarn Road/Chepstow Road will endanger lives of school children going to and from Langstone Primary School and we therefore also object on highway safety grounds.

6.2 COUNCILLORS: Councillor Routley has requested that the application is determined at Planning Committee for the following reasons;

- The land accommodating a building of this size would encroach the neighbour’s boundary on one side & have a detrimental visual impact on the other Boundary property.
- This residential rear garden property development would impact upon the street scene of Tregarn Road.
- Also would create a precedent for future, back garden development.

6.3 LANGSTONE COMMUNITY COUNCIL: No objection.

7. ASSESSMENT

7.1 The proposal is to construct a detached dwelling within the curtilage of Malvern House, Chepstow Road and create a new vehicular access off the A48 to serve the existing dwelling. The application is outline with all matters reserved. The proposal is tandem development for the purposes of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) and the Supplementary Planning Guidance for New Dwellings (Adopted August 2015). Owing to its location within the settlement boundary of Newport, the principle of residential development in this location is acceptable however the other material issues for consideration in this instance are the amenities of existing occupants of Malvern House and neighbouring properties, the residential amenities of the future occupants of the proposal, highway safety and the impact of the proposal on the character and appearance of the area.

- 7.2 Policies GP2 (General Amenity), GP4 (Highways and Accessibility), GP6 (Quality of Design), H4 (Affordable Housing), H6 (Subdivision of curtilages, infill and backland development) and T4 (Parking) of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) are relevant to the determination of this application.
- 7.3 Malvern House is a large detached property with a principal elevation that is set back from Chepstow Road (A48), however has vehicular access to the rear from Tregarn Road. The property forms part of a row of detached properties along Chepstow Road and backs onto Tregarn Road and the proposed dwelling would be an addition to a row of property to the south of Tregarn Road. Due to the proposed location being to the rear of Malvern House the impact on the character and appearance of the site within the context of Tregarn Road is more relevant to the determination of this application. The character, appearance and design of properties along Tregarn Road is varied and whilst many properties, particularly on the opposite side of the road are set within large open plots, there are examples of smaller properties within the area that have smaller plot sizes.
- 7.4 Whilst the application is an outline application, details of the size of the property have been provided in order to assess the relationship with neighbouring properties and the surrounding street scape. The property is indicatively shown as a two storey dormer bungalow with maximum footprint measuring 8.6 metres wide by 6.5 metres in depth and with a maximum height of 6.8 metres from adjacent ground level. The indicative design shows a roof dormer in both front and rear elevation and a single storey car port incorporated into the south west facing side elevation. The indicative drawings show the proposed property would benefit from 2no. parking spaces and an area for vehicles to turn. In terms of the subdivision of the existing curtilage the proposed property would have an overall curtilage measuring approximately 350m² and the existing property would have a reduced curtilage of approximately 430m². A boundary treatment is proposed to separate the two properties however no details have been provided of this. In terms of the proposed arrangements to the existing property a new vehicular access is proposed onto Chepstow Road (A48) by partially removing the existing boundary hedge and crossing the highway verge. Within the front garden of the property a new paved area is being provided with a turning area and parking spaces for 3no. vehicles. No elevational details for the access or materials of the parking area have been provided at this stage as this is an outline proposal.
- 7.5 **General Amenity**
- 7.6 A number of the objections received have referenced that the proposal would lead to an overdevelopment of the site. The 'New Dwellings' SPG (adopted August 2015) states that there must be 1 square metre of amenity space for every 1 square metre of the building's footprint, this would relate to both the existing and proposed property. Given the relatively modest size of the proposed property and the large curtilage of the existing property it is clear that both properties would benefit from at least a minimum of 1 square metre of amenity space for every 1 square metre of property footprint, which is satisfactory.
- 7.7 The objections received also refer to overlooking and loss of privacy caused to neighbouring properties, namely Snaefell, Walton House and Acer House. These are material planning considerations along with the impact caused on the amenity of the existing host property. The SPG states that in order to ensure all residents have sufficient privacy at their homes, suitable separation distances must exist between protected windows in existing and proposed dwellings. Policy H6 states that the sub-division of residential curtilages, infill within existing residential areas, and the development of back land to existing residential properties will only be permitted where this does not represent an overdevelopment of land. The existing curtilage of Malvern House is large and the proposal would provide the proposed dwelling with a generous curtilage whilst maintaining a reasonable sized curtilage for the existing property. There should be 10.0 metres between the rear elevation of the property and the rear boundary. The indicative location of

the proposed boundary between the new property and the existing property would lead to the proposed property having a distance of 10.5 metres from the rear elevation to the intervening boundary. Malvern House does have a small ground floor rear extension that would have a distance less than 10 metres to the intervening boundary, however the majority of the rear elevation has 11 metres to the intervening boundary and meets the SPG. In terms of the separation distance between the host property and proposed property this would measure 21 metres between protected first floor windows, meeting the SPG also. As such it is considered that the amenity of the occupiers of the host and proposed dwelling would not be demonstrably harmed by the proposal in principle. In terms of the amenity of neighbouring properties the indicative plan of the dwelling shows no windows that would directly face either of the neighbouring properties. Walton House is located to the south west and Acer House and Snaefell to the north east and south east. Whilst there may be views from the first floor windows of the proposed property towards the rear elevations of these properties, there is a window to window separation distance of at least 21.0 metres in all cases, which satisfies normal requirements.

- 7.8 Due to the topography of the site the sectional drawing shows that the first floor of the proposed property will be at a greater height than the first floor of the existing property. This is considered to limit the potential for having habitable rooms in the rear elevation of the property facing Malvern House. Whilst the plans are indicative it is noted that the proposed layout for the property show an “upside down” layout that would have a living room and kitchen facing Malvern House. Should the application be granted outline planning permission then a more traditional layout with bedrooms at first floor fronting onto Tregarn Road would be considered more appropriate.
- 7.9 The proposed property will look straight towards the existing property however there would be opportunities for peripheral views from the rear elevation at first floor to the rear gardens of Snaefell and Acer House. The indicative drawing shows the nearest first floor window is set approximately 2.0 metres off the boundary with Snaefell and the existing large boundary hedge will prevent direct overlooking towards the gardens and protect the amenity of these properties from any harmful loss of privacy. The proposed property is angled away from Walton House and set off the boundary by 3.5 metres. Importantly, fenestration detailing will be further considered at Reserved Matters stage. For the purposes of this outline proposal it is considered that an acceptable arrangement can be achieved in terms of the amenity of existing and future occupants of the site and neighbouring dwellings albeit that some details on the indicative drawings are unlikely to be acceptable. Nonetheless ‘an acceptable’ arrangement of window and door openings is reasonably achievable. The distance to the boundary with Walton House is approximately 4.0 metres from the nearest part of the dwelling and when combined with the orientation of the house and the existing boundary treatment there is not considered to be a harmful overlooking or loss of privacy to the rear garden of Walton House. Overall whilst the proposal would introduce a new dwelling to the rear of an existing property that has close relationships with neighbouring properties it is considered that with careful design there will be no demonstrably harmful impact on the amenity of these properties, by way of overlooking, loss of privacy, loss of light or overbearing impact and the proposal is in accordance with Policy GP2 and H6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).
- 7.10 Limited information has been submitted with the outline application in respect of the design of the property, however plans have been submitted to show the property in relation to the existing property and the street scape, notably to confirm the maximum height parameter provided is appropriate in this context. This is acceptable, however careful consideration will need to be given to the location of first floor windows in any new property. These should principally face forward.

7.11 **Visual Impact and Design**

7.12 Objections state that the proposed property would be out of keeping with the character and appearance of the properties along Tregarn Road and would be detrimental to the visual amenity of the street scape. There are a variety of different house types and designs within Tregarn Road and there is considered to be a lack of consistency in character and appearance. The parameters given indicate that the proposed dwelling would be in keeping with the height of the neighbouring property Snaefell immediately to the north east and would be read in conjunction with this property. Whilst it is recognised that the width of the site is relatively narrow, the size of the property is considered to be proportionate to the plot size and would not look out of context in the urban location characterised by such a mix of house types, sizes and styles. The property would be set back from the highway and of modest scale and is not considered to be a dominant or overly prominent addition to the street scape that would harm the amenity. For these reasons it is considered that subject to specific details being submitted under reserved matters that relate to the design and materials the proposal is in accordance with Policy GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

7.13 **Highway Safety**

7.14 The Head of Streetscene and City Services (Highways) is satisfied that the parking provision proposed for both the existing and proposed properties meets the adopted standards. Objections have been received in terms of highway safety and in particular the proposed access onto Chepstow Road (A48). Access is reserved for subsequent consideration at Reserved Matters stage. However, the visibility splays that can be achieved satisfy the requirements for a road of that speed limit and it is also demonstrated that vehicles can access and egress the site in a forward gear. As such, there is no objection subject to the driveway being hard paved and suitable drainage being employed to prevent surface water run off onto the adopted highway.

7.15 **Environmental Health**

7.16 The Head of Law and Regulation (Environmental Health) has offered no objection to the application subject to conditions that relate to the submission of a Construction Environmental Management Plan (CEMP) and hours of construction. The former is reasonable but construction hours can be regulated by other parties.

7.17 **Planning Contributions**

7.18 Commuted sum payments for affordable housing will be sought on sites of fewer than 10 dwellings within the Housing Target Area of Rural Newport, based upon a 40% target. Based upon a net increase of 1 x 2 bed house, and subject to economic viability, a commuted contribution of £2385 would be requested for affordable housing provision.

7.19 The applicant has agreed to the Draft Heads of Terms.

7.20 **Drainage**

7.21 Objections have been raised in relation to the capacity of the local drainage system, with examples being given of existing issues. Dwr Cymru Welsh Water have been consulted and have noted that the proposed property would be located within the protection zone. As such the developer would need to apply to WWDC to divert the sewer. Importantly, WWDC raise no objection to sewerage capacity and the matter of a sewer on site must be resolved between the applicant and WWDC directly.

7.22 A high proportion of the objections received reference the refusal of planning permission under outline planning application 98/0206. The reason for refusal is stated below;

“The site is not capable of accommodating a building of a suitable size, so as to be in keeping with the character of the adjoining properties, without resulting in a loss of amenity to those properties. The development of this site would be detrimental to the appearance of the area.”

- 7.23 Since the refusal of the previous application the Newport Local Development Plan 2011-2026 (adopted January 2015) has been adopted with “New Dwellings” Supplementary Planning Guidance also adopted in August 2015. At the time of previous determination there would have been no adopted SPG to assess specific elements of the proposal against. The current proposal has been assessed on its own merits and it is considered that subject to further details being addressed at Reserved Matters stage the indicative plans and principle of the development is acceptable and a proposal within the parameters stated can be achievable on site.

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 subdivision of the curtilage at Malvern House, erection of new dwelling and construction of new vehicular access and parking area for the existing property is considered to be acceptable in terms of scale, impact on neighbours and future occupiers and highway safety and as such outline planning permission is granted with conditions subject to Section 106 Agreement.

10. RECOMMENDATION

GRANTED WITH CONDITIONS SUBJECT TO SECTION 106 AGREEMENT

01 The development shall be implemented in accordance with the following plans and documents; 'Drawing Number PL/01 – Existing and Proposed Site Revision A (20th September 2017)'.

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

02 Approval of the details of layout, scale, appearance/materials of the dwelling and access 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.

03 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 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 approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of nearby residents and in the interests of highway safety.

04 No development, other than demolition, shall commence until full details of the foul and surface drainage systems 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.

General conditions

05 Provision shall be made within the site for parking provision for both the proposed and existing properties in accordance with the 'Parking Standards 2015' Supplementary Planning Guidance (adopted August 2015).

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

06 The maximum height of the dwelling hereby approved shall be 5.87 metres from finished floor level and 6.8 metres from lowest adjacent ground level.

Reason: To protect the visual amenity of the surrounding street scape and the general amenity of neighbouring properties.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan; Block Plan; 'Drawing Number PL/01 – Existing and Proposed Site Revision A (20th September 2017)'.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP6, GP7, H6 and SP13 were relevant to the determination of this application.

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

04 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.

05 This permission is subject to a S106 Legal Agreement.

11. REASON FOR THE SITE INSPECTION

To assess the effect on highway safety and the impact of development on neighbouring properties.