

Agenda



Planning Site Committee

Date: Thursday, 12 July 2018

Time: 12.00 pm

Venue: Civic Centre

To: Councillors J Richards, J Guy, M Al-Nuaimi, G Berry, J Clarke, V Dudley, J Jordan, M Linton, R Mogford, C Townsend and R White

Item	Wards Affected
1	<u>Agenda yn Gymraeg/Agenda in Welsh</u> (Pages 3 - 4)
2	<u>Apologies for Absence</u>
3	<u>Declarations of Interest</u>
4	<u>Minutes of Planning Site Committee 12 October 2017</u> (Pages 5 - 6)
5	<u>Minutes of Planning Site Committee 15 February 2018</u> (Pages 7 - 10)
6	<u>Development Management: Planning Application Schedule</u> (Pages 11 - 40)

Contact: Michele Chesterman, Governance Officer :
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Date of Issue: Date Not Specified

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Agenda

Ymweliad Safle Pwyllgor Cynllunio

Dyddiad: 12 Gorffennaf 2018

Amser: Gadael Mynedfa'r Ganolfan Ddinesig am **9.30 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, Berry, Clarke, Dudley, Jordan, Linton, Mogford, Townsend a White

Rhan 1

Eitem

Wardiau Dan Sylw

1. Agenda yn Gymraeg
2. Ymddiheuriadau dros Absenoldeb
3. Datganiadau Diddordeb
4. Cofnodion y cyfarfod a gynaliwyd ar 12 Hydref 2017
5. Cofnodion y cyfarfod a gynaliwyd ar 15 Chwefror 2018
6. Rheoli Datblygu: Rhaflen Ceisiadau Cynllunio

Langstone, Allt-yr-yn

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**Planning Site Sub
Committee**

Minutes

Date 12 October 2017

Time 10.00 a.m.

Present Councillors Richards (Chair), Al-Nuaimi, Ferris, Jordan, Mogford and White

In attendance: J Davidson (East Area Development Manager), J Evans (Senior Solicitor), C Jones (Principal Highway Engineer), M McEwan (Technical Assistant, Traffic Management & Development), M Chesterman (Democratic Services Officer)

Apologies Councillors Linton, Forsey, Guy, Clarke

1 Minutes

The Minutes of the meeting held on 9 February 2017 were submitted.

Resolved

That the Minutes of the meeting held on 9 February 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 an Appendix A.

(2) That the Development Services Manager be authorised to draft any amendments to/additional conditions or reasons for refusal in respect of the Planning Applications Schedule, attached

Appendix A

PLANNING SITE SUB-COMMITTEE – 12 OCTOBER 2017

DECISION SCHEDULE

No	Site/Proposal	Ward	Additional Comments	Decision
17/060	<p>Malvern House, Chepstow Road, Newport NP18 2JP</p> <p>Subdivision of Curtilage and Erection 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.</p>	Langstone	<p>The Site Sub Committee inspected the site and assessed the effect on highway safety and the impact of the development on neighbouring properties.</p> <p>Officers were recommending the application be granted with conditions and subject to S106 agreement.</p>	<p>Granted with conditions and subject to S106 agreement.</p> <p>Additional condition to include specifying the distance as per the indicative plan as being the minimum set back distance of the development from Tregarn Road.</p>

**Planning Site
Committee**

Minutes

Date 15 February 2018

Time 10.00 a.m.

Present Councillors Richards (Chair), Clarke, Ferris, Forsey, C Townsend and White

In attendance: S Williams (West Area Development Manager), J Evans (Senior Solicitor), C Jones (Principal Highway Engineer), M McEwan (Technical Assistant, Traffic Management & Development), M Chesterman (Democratic Services Officer)

Apologies Councillors Guy, Al-Nuaimi, Jordan, Linton.

1. Development Management: Planning Application Schedule

Resolved

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

(2) That the Development Services Manager be authorised to draft any amendments to/additional conditions or reasons for refusal in respect of the Planning Applications Schedule, attached

Appendix A

PLANNING SITE SUB-COMMITTEE – 15 February 2018

DECISION SCHEDULE

No	Site/Proposal	Ward	Additional Comments	Decision
17/0397	<p>Rothbury House, 10 Stow Park Circle, Newport NP20</p> <p>Change of use of building to 7No bedroom guesthouse, ground floor restaurant, orangey side extension, demolition and replacement of outbuilding, car parking and landscaping.</p>	Gaer	<p>The Site Sub Committee inspected the site to understand the amenity issues including parking and access issues which existed in the area</p> <p>Officers were recommending the application be granted with conditions.</p> <p>Councillor Whitcutt, Ward Member, spoke on the application</p>	<p>Granted with additional conditions requested by the Planning Committee as follows:-</p> <p>Prior to the beneficial use of the guesthouse hereby approved, the east side elevation of No. 14 Stow Park Circle shall be made good in accordance with a scheme which have first been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details on the mechanism to prevent debris accumulating between the replacement coach house hereby approved and the side elevation of No. 14.</p> <p>Reason: To preserve the character and appearance of the Conservation Area and to protect the amenities of the neighbouring occupier.</p> <p>Condition 9 to be varied again to read:</p> <p>Prior to the first beneficial use of the development hereby approved, a management plan detailing how the restaurant will operate (including volume of music and in relation to visiting members of the public to the restaurant only the hours of operation) shall be submitted to and approved in writing by the Local Planning Authority. The restaurant shall operate in accordance with the approved hours.</p> <p>Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.</p>

				<p>Prior to the beneficial use of the development hereby approved, directional signage within and opposite the site to inform visitors of the one way system in Stow Park Circle shall be provided and thereafter retained at all times in accordance with a scheme which shall have first been submitted to and agreed in writing with the Local Planning Authority.</p> <p>Reason: In the interests of highway safety.</p> <p>Prior to the beneficial use of the development hereby approved, boundary treatment shall be provided and retained at all times thereafter in accordance with a scheme which shall have first been submitted to and agreed in writing with the Local Planning Authority.</p> <p>Reason: To protect the amenities of neighbouring occupiers, protect the setting of the listed building and appearance and character of the conservation area.</p>
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Report

Planning Site 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 July 2018. The Planning Site Committee will visit the sites, listed in the attached schedule, on 12th July 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

1. A Planning Protocol for Planning Site 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	<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.

Newport's Well-Being Plan 2018-23

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018.

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: Planning and the Welsh Language (2017)
- 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)

Trees, Woodland, Hedgerows and Development Sites (adopted January 2017)
Air Quality (adopted February 2018)

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

1

APPLICATION DETAILS

No: 18/0213 **Ward:** ALLT-YR-YN

Type: FULL

Expiry Date: 09-MAY-2018

Applicant: JASON WATKINS

Site: 34, FIELDS PARK ROAD, NEWPORT, NP20 5BB

Proposal: SIDE EXTENSION OVER GARAGE AND NEW DORMER

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks permission for the erection of a side extension over the existing garage and a dormer window at the semi-detached property in the Allt-yr-Yn Ward. It is proposed to construct a part two storey/part first floor extension over and behind the existing garage and insert a dormer window in the rear elevation.
- 1.2 The application has been reported to committee on request of Councillor Ferris so that the impact on neighbouring amenity can be discussed.

2. RELEVANT SITE HISTORY

- 2.1 None.

3. POLICY CONTEXT

- 3.1 Newport Local Development Plan 2011-2026 (Adopted January 2015)
Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse affect 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.
Policy 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.
- 3.2 House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted August 2015)
Provides guidance on suitable extensions to dwellings and domestic outbuildings.
- 3.3 Newport City Council Parking Standards (Adopted August 2015)
Provides guidance on parking requirements.

4. CONSULTATIONS

- 4.1 DWR CYMRU WELSH WATER: Advised to contact DCWW to establish the location of the sewer.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): No objection

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties with a common boundary were consulted (two addresses). One letter was received objecting on the following grounds:
1. The location and size of the extension will dominate and severely impact the view from our breakfast room. It will also reduce the sunlight which the breakfast room normally receives.
 2. The extension will significantly affect the view from our patio.
 3. The materials that are proposed to construct the extension are completely out of character with the house itself and the surrounding houses in the neighbourhood which are largely red brick, Victorian and Georgian. This may set a precedent.
- 6.2 SITE NOTICE (Displayed 21 March 2018): No representations received.

7. ASSESSMENT

- 7.1 The proposed first floor extension would be constructed over the existing garage and would measure 3.85 metres in width and 8.88 metres in length. This would also extend behind the existing garage creating a canopy and resulting in a maximum height of 5.8 metres above ground level. The extension would be constructed from zinc with a roof form to reflect the shape of the hipped roof of the main house. A small link extension would also be constructed to form a link from the main house to the extension which would be glazed with a flat zinc roof.
- 7.2 It is proposed to insert a slim window in the front and east side elevation, with the rear elevation almost entirely glazed. It is also proposed to install a roof light. No windows are proposed in the west side elevation with a timber trellis proposed to be installed on this side.
- 7.3 The proposed dormer window would match an existing dormer window in the rear facing roof slope. It would project a maximum of 1.8 metres and measure 1.6 metres in height. It would have a flat roof and be set back from the eaves.
- 7.4 It is considered that the proposed dormer window would not result in an unacceptable increase in overlooking, over or above the existing situation and is in keeping with the character and appearance of the host property. The proposed window is therefore considered acceptable.
- 7.5 The first floor extension is well set back from the front elevation of the property, approximately 9.4 metres. It is also set in 1.2 metres from the boundary with no. 36. It would not be in keeping with the design or detailing of the host property and represents a modern addition to an otherwise traditional style property as is prevalent in the immediate area. The proposed materials for this scale of development are also unusual. However, the inherent form of the extension replicates that of the host property with roof of a hipped-style with similar pitch. Further to this, the proposed extension clearly reads as a subservient addition as required by the SPG.
- 7.6 The property at no. 36 has two protected windows serving a dining area which faces directly on to the proposed development. The dining area forms part of a kitchen-diner, with the kitchen being served by rear facing windows and the dining area by the side facing windows. The SPG sets out a 45 degree test where a protected window faces onto a development. Where a proposal fails this test it would result in loss of light and is unlikely to be acceptable. The proposed extension passes this test due to the application property being set at a lower level to the neighbouring property at no. 36.

7.7 The proposed extension runs along a large section of the neighbouring outdoor amenity space of no. 36. However, this section is a fairly narrow section between the properties and adequate patio space is retained which would not abut the proposed extension.

7.8 The proposed development would not result in the loss of parking at the property. Head of Streetscene and City Services (Highways) has no objections to the proposals and it is considered that the development would not result in a detriment to highway safety.

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

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

9. CONCLUSION

- 9.1 Whilst the design and materials proposed are unusual for the immediate area, the forms of the extension respects the style and proportions of the host property and innovation in design is welcomed. It is not considered that there would be an unacceptably impact on the amenity of neighbouring occupiers when assessed against the adopted policies and guidance and is therefore acceptable.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Proposed Plans and Elevations jw999-201 Rev A.

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

Pre- commencement conditions

02 Prior to the commencement of development, samples details of the proposed materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved details.

03 Prior to the commencement of development, a planting scheme and maintenance plan for the trellis shall be submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Pre –occupation conditions

04 Prior to the first use of the extension hereby approved, the ‘roof extension piece’ shown on the approved plans shall be constructed and retained as such in perpetuity.

Reason: To protect the privacy of neighbouring occupiers.

General conditions

05 No additional windows shall be installed in the side elevation of the extension facing no. 36 Fields Park Road.

Reason: To ensure adequate privacy is retained.

NOTE TO APPLICANT

01 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.

02 House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted August 2015) was relevant to the determination of this application.

03 Newport City Council Parking Standards (Adopted August 2015) were relevant to the determination if this application.

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.

11. REASON FOR THE SITE INSPECTION

To assess the effect on the aspect of the windows on the neighbouring property and to assess the suitability of materials.

APPLICATION DETAILS

No: 18/0048 **Ward:** LANGSTONE

Type: FULL

Expiry Date: 24-JULY-2018

Applicant: MR & MRS GOTOBED

Site: ELNATHAN, TREGARN ROAD, LANGSTONE, NEWPORT, NP18 2JS

Proposal: ERECTION OF A DETACHED DWELLING (RESUBMISSION OF 17/0379)

Recommendation: GRANTED WITH CONDITIONS AND SUBJECT TO SECTION 106 LEGAL AGREEMENT WITH DELEGATED AUTHORITY TO THE HEAD OF REGENERATION INVESTMENT AND HOUSING TO REFUSE PERMISSION IF THE AGREEMENT IS NOT COMPLETED WITHIN 3 MONTHS

1. INTRODUCTION

- 1.1 This application seeks planning permission to construct a detached four bedroom dwelling within the curtilage of Elnathan, Tregarn Road. The application is a resubmission of 17/0379 for the erection of a detached dwelling which was refused on highway safety grounds, impact on residential amenity and impact on visual amenity.
- 1.2 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 this application will need to address and overcome the previous reasons for refusal, namely impact on highways safety and residential and visual amenities.
- 1.3 The application site is also located north-east of an existing Public right of Way and adjoins land allocated by NRW as accessible natural grassland. Policies SP5 (Countryside), GP2 (General Amenity), GP4 (Highways and Accessibility), GP5 (Natural Environment), 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 therefore relevant to the determination of this application.

2. RELEVANT SITE HISTORY

17/0379	ERECTION OF DETACHED DWELLING	REFUSED
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3. POLICY CONTEXT

- 3.1
- 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 WALES AND WEST UTILITIES: No objection.

4.2 WELSH WATER DWR CYMRU: We would request that if you are minded to grant Planning Consent for the above development that the **Conditions and Advisory Notes** provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

SEWERAGE

Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with

the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

5. INTERNAL COUNCIL ADVICE

5.1 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;*
- details of temporary lighting;*
- 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 - Advisory

"The developer should avoid carrying out noisy development; (including land raising and demolition if required) except between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays. Noisy development should be avoided altogether on Sundays or Bank Holidays.

Reason: To protect the amenities of nearby residents."

Air Quality – Advisory

Electric Vehicles

Newport City Council has declared numerous air quality management areas and to encourage a change to ultra-low/zero emission methods of transport, Environmental Health

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>

Heating Systems

We encourage the highest practicable standards of building insulation and use of renewable forms of heating (such as ground and air source heat pumps) as opposed to natural gas boilers where possible. This action would contribute to the improvement of local air quality and reduce overall GHG emissions in the long term. The Environment (Wales) Act 2016 requires that Wales reduce its carbon emissions by 80% by 2050, reducing heat loss and the use of natural gas would help contribute towards this goal.

5.2 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS):

Initial Consultation Response:

The applicant proposes to utilise the existing access which joins the A48 and slightly encroaches into the junction at Tregarn Road. The proximity of the junction of the A48/Tregarn Road and the A48/Magor Road results in a cross road type situation whereby drivers need to be considerate of multiple vehicle movements when determining when it's appropriate to access and egress each junction. Increased use of the access in such close proximity to the existing junction could increase the likelihood of vehicle conflict and driver confusion or hesitation.

I acknowledge the Transport Statement submitted by the applicant however it's considered that any increase in vehicle movements in such close proximity to a junction would be detrimental to highway safety and I must therefore oppose the application and recommend refusal.

Further Consultation Response:

Material consideration was given to the transport statement and the information submitted was accepted in terms of the trip data, accidents statistics, parking and visibility splays.

The application is proposing use of an existing access and therefore the consideration is the intensification of use. Tan 18 allows for intensification of use of a substandard existing access where it can be demonstrated that a significant improvement can be provided. Visibility splays, in accordance with standards, have been demonstrated based upon speed survey data and the applicant proposes to widen the access to allow for two way vehicle movements. I would suggest however that no improvement can be made to suitably address the previous objection raised in regard to the proximity of the junction, and the potential impact on highway safety, and therefore the objection to the application is retained.

Should they wish to do so, the applicant could seek to justify the suitability of the access by carrying out an independent safety audit and submit the report for consideration.

Consultation Response (Following submission of Safety Audit Report):

As stated in the previous consultation response, "the applicant could seek to justify the suitability of the access by carrying out an independent safety audit and submit the report for consideration". It would appear that the safety audit has been carried out by the same company and is therefore not independent. Also a stage 2 safety audit (detailed design) should be carried out.

Final Consultation Response

The Head of Streetscene and City Services (Highways) commissioned the Stage 1 Road Safety Audit that was undertaken by Cotswold Transport Planning Ltd to be reviewed independently by Capita Real Estate and Infrastructure in order to determine its completeness and its conformance with the guidance and requirements set out in Standard HD 19/15 'Road Safety Audit'

On receipt of the review findings The Head of Streetscene and City Services (Highways) made the following final comments;

Concerns have been raised in regard to the feeder pillar and the potential for visibility to be obstructed. Tregarn Road is subject to a 20mph speed limit and vehicles will be decelerating whilst approaching the junction. The impact on visibility caused by the feeder pillar is limited and clear view of the junction is available from the access to El Nathan. The relocation of the feeder pillar is therefore not required.

When taking into consideration the safety audit and the independent assessment, I would offer no objection to the application subject to a condition which requires the submission of a CEMP for approval. The CEMP must include details of contractor parking, contractor compound, wheel wash facilities and dust suppression.

5.3 HEAD OF REGENERATION AND REGULATORY SERVICES (PLANNING CONTRIBUTIONS MANAGER): This Draft 'Heads of Terms' relates to planning application 18/0048 for the development of 1x 5 bed house at Elnathan, Tregarn Road, Newport.

In accordance with the Adopted Newport Local Development Plan – Policy H4 – Affordable Housing, there is a policy requirement for sites of fewer than 10 dwellings within the settlement boundary, or fewer than 3 dwellings within the defined village boundaries, to provide a commuted sum contribution to assist the Council in meeting its on-going requirement for affordable housing. The following planning obligation is required to mitigate the impact of the development and create a sustainable development.

Affordable Housing Contribution

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 5 bed house, and subject to economic viability, a commuted contribution of £3212 would be requested for affordable housing provision.

Affordable Housing Sums will be index linked to the Retail Price Index. Payments will be staggered and directly related to occupancy rates

6. REPRESENTATIONS

6.1 NEIGHBOURS: Properties sharing a common boundary with the application site and opposite were consulted (6no. properties) and 1no. letter of support has been received and 5no. objections have been received from 4no. properties, as summarised below;

The Headlands

- The dwelling is reduced in scale and does not adversely overlook our property;
- There is a demand for more housing in Langstone and the proposed dwelling would keep the family in the area;
- The plot is larger and wider than other properties on Tregarn Road and therefore a dwelling would fit into the area;

- The access onto Chepstow Road is good and one extra dwelling would not cause traffic issues.

Thorney Croft (Initially Submitted Plans)

- The elevated position of the proposed dwelling will negatively impact upon our privacy and that of our neighbours;
- One window has been removed from the previously submitted side elevation however several windows would have a direct and uninhibited line of sight to Thorney Croft;
- The exposed stairwell would look directly at our property and the rear garden;
- The proposed plans appear to be disproportionate in size and not in keeping with surrounding 1930s properties and appears to be squeezed into a small plot;
- The excessive overall height of 7.5m, together with the length and width of the building would seriously impact on the loss of light.

Thorney Croft (Amended Plans)

- The 7.5m building height, in conjunction with the excessive width and length of the building casts a significant shadow across Thorneycroft. In addition, the height differential (as now shown) clearly indicates that ground floor windows are pretty much level with bedrooms and bathrooms of Thorneycroft, Hillside and Swiss cottage;
- A 'swept path' analysis shows a right turn into Elnathan driveway even though there are no right turns allowed into Tregarn road. We also observe that there is no indication of the often used Tregarn-West approach. This method of entry appears to require driving against traffic flowing from Newport to access the driveway.

Hillside

- The proposed development is still unfairly and unreasonable in scale, height, proportion and positioning as it is a lot larger than neighbouring properties and would therefore not fit in with the scale of the surrounding properties;
- It is not of similar design and is entirely out of keeping;
- The development would reduce the current plot size;
- The proposal will increase the traffic with a shared driveway onto the highway onto a busy area of Chepstow Road;
- The proposal will overlook our property and will invade our privacy;

1 Shepherd Drive

- This development would be intrusive from the neighbouring rear gardens to the north-east, while use of the parking and turning area between the existing and proposed dwellings would create noise and other pollution;
- A substantial 4 bedroom house will generate more trips than suggested by the TRICS analysis;
- Even a small increase in traffic movements would lead to a greater risk of accident at this complicated junction which has a number of junctions, accesses and traffic controls;
- Right turns in Tregarn Road are banned but this is unlikely to relate to Elnathan and the probability of traffic movements of this nature generated by this proposal adds considerably to its negative road safety implications;
- While the five year accident record at the junction may be good, there have been serious accidents in the longer term.

- 6.2 COUNCILLOR ROUTLEY: Has called the application to be determined at planning committee due to the overbearing impact of the property, the impact on visual amenity and highway safety concerns.
- 6.3 LANGSTONE COMMUNITY COUNCIL: No objection.

7. ASSESSMENT

- 7.1 Elnathan is a detached dormer bungalow set back from the highway and within a large curtilage. It forms the first property in a row of residential dwellings along the western side of Tregarn Road. The design of the properties along Tregarn Road is varied with no consistent character or design and none have been subject to similar backland development. The property benefits from considerable curtilage that extends north-westerly towards the defined urban boundary and open countryside. The application site lays entirely within the boundary however given the location consideration should be given to its surrounding context.
- 7.2 This application is a resubmission of the previously refused 17/0379 application and has been amended in an attempt to overcome the previous reasons for refusal in relation to highway safety issues, impact on residential amenities and impact on visual amenities.
- 7.3 The proposed dwelling is two storey and has a half hip roof design with front hipped roof dormer extension and rear two storey hipped roof extension. The main footprint of the property would measure 15.0 metres wide by 9.7 metres in depth and would have an eaves height of 2.4 metres at the front and 3.5 metres at the rear with a ridge height of 7.553 metres. The front dormer will measure 3.45 metres in width and will have a height of 1.9 metres to eaves and 3.7 metres to the ridge. The two storey rear extension will have a depth of 2.0 metres from the rear wall of the main footprint, a width of 6.0 metres and height of 4.1 metres to eaves and 6.9 metres to the ridge. Within the front elevation there are 3no. windows proposed at ground floor level and 5no. windows located in the roof plane at first floor level. The front hipped dormer addition will include a vertically emphasised glazed front spanning over the two floors measuring 1.4 metres wide by 4.3 metres in height and will serve the staircase. The rear elevation will contain bi-folding doors across the width of the ground floor level and will contain 4no. windows in the rear elevation and Juliet balcony at first floor within the rear extension. The north east facing side elevation will contain a double window at first floor level which will be non-opening and obscure glazed and there will be one secondary access door in the south west facing side elevation at ground level. It is proposed to finish the external walls in render and the roof in natural slate, however definitive details have been submitted for approval. The ground floor layout will comprise of lounge, open plan kitchen/dining room, playroom and utility room and the first floor layout will comprise of 4no. bedrooms (3no. with en-suite) and bathroom. In terms of the site layout it will be accessed by a driveway shared with Elnathan, and will have a parking area for 3no. vehicles with turning facility and rear patio/garden area. The size of the curtilage of Elnathan will be reduced as a consequence of the proposal however a depth of 19m will be retained and this is considered to provide sufficient external amenity space for the occupants of the existing property.

Policy H6 states that the sub-division of residential curtilages, infill within existing residential areas, and the development of backland to existing residential properties will only be permitted where this does not represent an overdevelopment of land. The existing curtilage of Elnathan is large and the proposal would provide the proposed dwelling with a generous curtilage whilst maintaining a reasonable sized curtilage for the existing property, although significantly reduced. The "New Dwellings" SPG (adopted January 2015) states that a detached dwelling should have 1m² of private amenity space for every 1m² of the unit's

footprint. It has been demonstrated that both the existing and proposed dwellings would have sufficient private amenity space in accordance with the SPG. It is considered that the principle of subdividing this curtilage to provide another residential unit is acceptable.

7.4 **Residential Amenity**

The first reason for refusal of 17/0379 was in relation to the impact that the proposal would have on the amenity of the neighbouring property and stated;

“Owing to its scale, height, elevated 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).”

7.5 The objections received have also sited overlooking and loss of privacy to neighbouring properties, in particular Swiss Cottage and Thorney Croft as being an issue. The revised scheme has made a number of amendments to attempt to overcome the above reason for refusal. The proposed dwelling was previously located tight to the shared boundary with Thorney Croft and had a clear window located at first floor. This application has amended the location of the property so that it now located 3.5m off this shared boundary and the proposed first floor window is obscure glazed and non-opening. The design of the property is vastly different to the previous application and this includes the first floor windows in the front elevation being contained within the roof plane at a height of 1.6m to the window sill from finished first floor level, which are also less prominent than the previous roof dormer windows. The gradient of the garden of Elnathan does slope gently from north-west to south-east, however overlooking from the nearest window to the rear of the host property and neighbouring properties despite the elevated position is not considered to be an issue due to the separation distance of approximately 36 metres. The previous reason for refusal cited the overlooking of neighbouring gardens as being harmful. Due to the height of the proposed first floor windows in the front elevation of the property, views would be more limited to upwards rather than outwards towards the rear garden or elevations of the properties at Swiss Cottage and Thorney Croft. The property is also angled away from these two properties and if there were any limited views these would be oblique and not direct, protecting the privacy of these properties. The two storey glazed window in the front elevation has been reduced in width to that originally submitted and is flanked by two rendered side panels which would direct views away from the neighbouring properties towards Elnathan, with only oblique views available towards Swiss Cottage and Thorney Croft. Furthermore, this opening would not serve a habitable room but a stair case where occupiers would pass through briefly and is more of a design feature rather than an opportunity for outlook. The distance from the proposed property to the shared boundary (proposed 1.8m fence) with Elnathan is approximately 16 metres and the separation distance of facing windows is 36 metres. Again, despite the elevated position of the property these are substantially greater than the minimum distance required as per the SPG and are considered to be acceptable. Objections have also stated that the proposed dwelling would cause an overbearing impact and a loss of light. This was not considered as being an issue in the refused scheme and this proposal has reduced the scale and size of the property and located the property further away from the neighbouring boundary. Owing to the size of the neighbouring curtilages and amended position of the proposal, it would not have an overbearing impact and would not impede light to any neighbouring properties. It is possible that light may be inhibited to a small part of the garden of Thorney Croft in the late

evening at certain times of year but this would be further up the garden and would have limited impact and it is not considered that there would be an adverse impact on residential amenity.

7.6 The “New Dwellings” SPG states that shared driveways should not expose residents to excessively loud or frequent vehicular noise (e.g. tyres on gravel) in their habitable rooms and back gardens. The submitted plan shows that a 3 metres wide access drive could be created whilst maintaining in excess of 2 metres of curtilage to the side of Elnathan. Details of the reconfiguration of land to achieve this have not been submitted but it was clear on site that this could be achievable. What is not apparent is what room would be closest to this access, however, the offset provided from the new boundary and proposed driveway access is considered reasonable distance from the existing dwelling and it is considered that traffic associated with the new dwelling would not have an adverse impact upon the amenities of the residents of Elnathan in terms of noise disruption. Details of reconfiguration could be required through a condition attached to any permission granted.

7.7 Overall it is considered that the resubmitted scheme has made adequate design changes that overcome the original reason for refusal in relation to the impact on the residential amenity of neighbouring properties and complies with the aims of Policy GP2 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

7.8 **Design**

7.9 The second reason for refusal was in relation to the design and scale of the proposed dwelling given the location and stated;

“Owing to its height, size, design and location on the urban fringe the proposal would appear as an incongruous and dominant feature uncharacteristic of its urban fringe setting to the detriment of the appearance and character of the wider rural landscape and contrary to Policies SP5, GP2 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) and Supplementary Planning Guidance for New Dwellings (Adopted August 2015).”

7.10 The objections received state that the property would be a large addition in relation to the plot size and would not be in keeping with the properties along Tregarn Road. The previous design was typically suburban in its appearance and the second reason for refusal cites the height, size and design in this location contributing to a dominant feature uncharacteristic of its setting within the urban rural fringe. The amended scheme has made minor reductions to the width and depth of the property and has reduced the ridge height by approximately 1.0 metre. The 2no. two storey rear gable extensions within the rear elevation have been replaced by a single two storey hipped roof extension which reduces the bulk at the rear. The main changes are to the roof design which now includes a half hipped roof, reducing the mass of the previous gable ended roof and a new lower front eaves level of 2.4m in height. The significantly reduced eaves level and lower ridge height when combined with the half hipped roof design contribute to reducing the overall scale and massing of the property and soften the visual impact and presence that the property has within the site, particularly when viewed from neighbouring properties and the public right of way and from the limited vantage points available through to the rear of the site from Chepstow Road. The design initially submitted within this application included a timber clad external appearance and whilst it is acknowledged that there is no consistent character and appearance to many of the properties along Tregarn Road there is nothing remotely similar and this was considered to be inappropriate. As such a render external finish has been proposed which is more in-keeping and typical of the external finishes of the surrounding properties. A condition would be attached the any permission requesting details/samples of any external materials to be submitted and approved in writing by the LPA prior to

commencement. The proposed amendments to the design of the property are considered to overcome the previous reason for refusal and whilst it is acknowledged that the size of property would be generous, it would not look out of place in this context and would no longer be dominant and incongruous in its appearance. As such it is considered that the design meets the aims of Policy GP6 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

7.11 The previous application stated that the addition of a 1.8m fence forward of Elnathan would be incongruous and could inhibit highway visibility. Details of the boundary fence which is proposed to separate the curtilage of the existing property and the proposed property and will continue to the front of Elnathan will need to be submitted for approval in order to assess its acceptability in design and visual amenity terms. A condition can be attached to any approval requesting this.

7.12 **Highways**

7.13 The final reason for refusal of the previous application was in relation to highway safety and the unacceptable intensification of the existing access without any mitigating information and stated;

“The proposal by reason of its location, scale and design will have an adverse impact on interests of acknowledged importance, namely highway safety by reason of intensification of vehicle manoeuvres on a fast moving and busy highway close to a junction. No information has been provided to mitigate this objection and it is contrary to policies GP2, GP6, H6 of the Newport Local Development Plan 2011 -2026 (Adopted January 2015) Supplementary Planning Guidance for New Dwellings (Adopted August 2015).”

7.14 The applicant has commissioned Cotswold Transport Planning to address the concerns that were raised in this aspect of the previous refusal. The proposed dwelling would be accessed via a driveway which would pass the western elevation of Elnathan and flank the south-western boundary of the new curtilage of its rear garden. Tan 18 allows for the intensification of use of substandard existing access where it can be demonstrated that a significant improvement can be provided. The Head of Streetscene and City Services (Highways) has acknowledged that the new design of the access is now wide enough to accommodate two way vehicular movements and based on the speed survey undertaken the visibility splays, in accordance with standards, have been demonstrated. However an objection was still maintained due to the proximity of the access to the A48/Tregarn Road and A48/Magor Road which results in a cross road type situation whereby drivers need to be considerate of multiple vehicle movements when deciding it is appropriate to access and egress each junction.

7.15 Forecast vehicle trip generation has been submitted using the TRICS database which shows there will be around 5 vehicle trips per day. An automatic traffic counter was installed on the A48 which identified the 7 day, two way average traffic flows for this road was 8,085 vehicles and the proposal would lead to a 0.06% increase in traffic movements on this road. One objection has highlighted that the forecasted trips stated have been underestimated, however even if this were to be the case it is considered that any small increase in vehicular movements from this site onto the highway would still be negligible and would not lead to a material increase in traffic on the highway. Analysis of the Crashmap database has also highlighted that there has been no accidents in the immediate vicinity for 10 years. Track test results have demonstrated that vehicles can access and egress the site in a forward gear and there is also sufficient off street parking available for both the existing and proposed properties.

7.16 The Head of Streetscene and City Services (Highways) stated that if an Independent Road Safety Audit was undertaken which had a positive outcome then the objection may be

removed. A Stage 1 Road Safety Audit and Designers Response was undertaken by the Cotswold Transport Planning Safety Audit Team, who are separate to the Cotswold Transport Planning Design Team. The validity of the independent nature of the audit has been questioned, however in any case The Head of Streetscene and City Services (Highways) commissioned Capita Real Estate and Infrastructure to review the submitted safety audit in order to determine its completeness and its conformance with the guidance and requirements set out in Standard HD 19/15 'Road Safety Audit'. On receipt of the review The Head of Streetscene and City Services (Highways) is satisfied with the findings and have removed their objection, subject to a Construction Environmental Management Plan condition.

7.17 It is therefore considered that the applicant has gone to significant lengths to overcome the previous reason for refusal and highway safety issues raised within this application and the scheme has been proven to demonstrate that there would not be material impact on highway safety and the proposal is considered to be in accordance with the aims of Policy GP4 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

7.18 Section 106 Planning Obligation matters

Summary

7.19 In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011-2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location. In this case, section 106 planning obligations are required to mitigate the impact of the development in accordance with the table below.

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
Regeneration , Investment and Housing	Affordable housing provision based on 40% target	Commuted contribution of £3,212.	Full Heads of Terms Agreed.	No.

7.20 The applicant has confirmed that they agree in full to the Heads of Terms.

Other Matters

7.21 The Head of Law and Regulation (Environmental Health) has not objected to the proposal but has recommended that standard conditions are attached to any permission granted minimise the disturbance to neighbouring premises in terms of noise and dust during the development of the building.

7.22 Langstone Community Council has offered no objection to the application.

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 dwelling is considered to be acceptable in terms of scale and design and would not cause a detrimental impact on neighbouring privacy and amenity. The new dwelling would provide a good standard of amenity to future occupiers whilst maintain the amenity of the existing property and it is considered that the information provided would not result in an adverse highways impact.

9.2 As such, it is recommended that the application be granted subject to the following conditions and Section 106 agreement.

10. **RECOMMENDATION**

GRANTED WITH CONDITIONS AND SUBJECT TO SECTION 106 LEGAL AGREEMENT WITH DELEGATED AUTHORITY TO THE HEAD OF REGENERATION INVESTMENT AND HOUSING TO REFUSE PERMISSION IF THE AGREEMENT IS NOT COMPLETED WITHIN 3 MONTHS.

01 The development shall be implemented in accordance with the following plans and documents; Drawing no. SK01 Rev D, Drawing no. SK02 Rev E, Drawing no. SK10 ref F, Drawing no. SK11 revF and drawing no. SK12 rev H.

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 Prior to the commencement of development of the approved scheme details/samples of materials and finishes to be used on the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out using the approved materials.

Reason: To ensure that the development is completed in a manner compatible with its surroundings.

03 Prior to the commencement of development full details of the reconfiguration of the driveway shall be submitted to the Local Planning Authority and written approval received. The development shall be carried out in accordance with the approved details and retained thus in perpetuity.

Reason: To ensure that the development is completed in a manner compatible with its surroundings and in order to protect the amenities of Elnathan.

04 Prior to the commencement of development full details of the proposed boundary fences shall be submitted to the Local Planning Authority and agreed in writing. The agreed boundary treatments shall then be installed in full prior to the first occupation of the approved dwelling and retained thereafter in perpetuity.

Reason: To protect neighbouring amenity, the character and appearance of the area and in the interests of highway safety.

05 Prior to the commencement of development full details of foul and surface water drainage shall be submitted to the Local Planning Authority and written approval received. The development shall be carried out in accordance with the approved details and retained thus in perpetuity. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To ensure the site is suitably drained.

06 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;
- details of temporary lighting;
- waste disposal;
- details of enclosure of working areas;
- details of contractor parking and compound areas and construction site accesses;
- wheel wash facilities and dust suppression.

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.

07 No development, including demolition, shall commence until details and plans showing the finished slab level of the building(s) hereby approved, together with cross sections through the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of visual amenities

General conditions

08 The first floor window in the north east facing side elevation of the dwelling hereby approved shall be obscure glazed and fixed shut at the time of installation and shall remain thus in perpetuity. No windows other than those shown on the approved plans shall be inserted into the north east or south west side elevations of the building.

Reason: In the interests of neighbouring privacy and amenity.

09 The proposed driveway and parking area hereby approved shall be constructed of porous/permeable materials or provide a direct run-off for surface water to a porous or permeable area within the curtilage of the dwelling house and shall be retained as such thereafter in perpetuity.

Reason: To ensure adequate drainage of surface water.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order), Schedule 2, Part 1, no development within Classes A, B, C, D, or E shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To protect neighbouring amenity and the character and appearance of the area.

11 The first floor bathroom roof window in the south west facing roof plane of the dwelling hereby approved shall be obscure glazed at the time of installation and shall remain thus in perpetuity.

Reason: In the interests of neighbouring privacy and amenity.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Drawing No. SK01 Rev D – Proposed Plans; Drawing No. SK02 Rev E – Proposed Elevations; Drawing No. SK10 Rev F – Site Plan; Drawing No. SK11 Rev F – Block Site Plan; Drawing No. SK12 Rev H – Site Section; Planning Statement – Stephen Locke Associates (January 2018); Cotswold Transport Planning Transport Statement (23rd October 2017); Cotswold Transport Planning Transport Statement (14th February 2018); Cotswold Transport Planning - Designer's Response to Stage 1 Road Safety Audit (April 2018); Cotswold Transport Planning – Stage 1 Road Safety Audit (April 2018); Capita Stage 1 Road Safety Audit Review (June 2018).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP6, GP7, SP13 and H4 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 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

05 The developer should avoid carrying out noisy development; (including land raising and demolition if required) except between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays. Noisy development should be avoided altogether on Sundays or Bank Holidays.
Reason: To protect the amenities of nearby residents.

11. REASON FOR THE SITE INSPECTION

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

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