

Agenda



Delegated Decisions - Cabinet Member for Regeneration and Housing

Date: Tuesday, 11 June 2019

To: Councillor J Mudd

Item		Wards Affected
1	<p><u>Proposed Consultation on Supplementary Planning Guidance (SPG) on the following items: (Pages 3 - 142)</u></p> <ul style="list-style-type: none">• Planning Obligations (update to existing SPG)• House Extensions and Domestic Outbuildings (update to existing SPG)• New Dwellings (update to existing SPG)• Flat Conversions (update to existing SPG)	All Wards

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Report

Cabinet Member for Regeneration and Housing

Part 1

Date: 11 June 2019

Subject Proposed Consultation on Supplementary Planning Guidance on:

Purpose To seek approval to consult on draft Supplementary Planning Guidance on the following topics:

- Planning Obligations (update to existing SPG)
- House Extensions and Domestic Outbuildings (update to existing SPG)
- New Dwellings (update to existing SPG)
- Flat Conversions (update to existing SPG)

Authors Planning Policy Manager

Ward All wards.

Summary The Planning Obligations SPG includes updates to reflect inflated costs. The remaining three SPGs have been updated to provide further clarification on built residential development following lessons learnt. It is now proposed to consult on these documents to seek views of interested parties.

Proposal That Cabinet Member notes the content of all draft SPG documents and agrees that the documents be released for public consultation.

Action by Head of Regeneration, Investment and Housing

Timetable Immediate

This report was prepared after consultation with:

- Strategic Director-Place
- Head of Finance – Chief Finance Officer
- Head of Law and Regulations – Monitoring Officer
- Head of People and Business Change
- Development Management

Signed

Background

It is proposed to consult on four draft Supplementary Planning Guidance (SPG) documents:

Planning Obligations (update to existing SPG)

New development can create detrimental effects upon local amenity and infrastructure unless additional, or improved services and facilities are provided through planning obligations. The SPG identifies what, and when, the Local Planning Authority will expect from developers. The proposed changes to the SPG are:

Introduction of an administrative fee to reflect the additional work which is required to monitor the S106 planning agreements. The fee will be calculated on the basis of 2% of the total financial contribution or 20% of the planning application fee, whichever is greater. It is proposed that this is secured via a solicitors undertaking, similar to the Council's legal costs.

An acknowledgement that if 95% of the total S106 sum received has been spent in accordance with the legal agreement, the remaining 5% can be transferred to the revenue income of the appropriate service area. At present, any unspent monies should be offered back to the developer. The Council will always spend S106 sums in accordance with the legal agreement, but on occasions, there are small sums left over, for when a project perhaps comes in slightly under budget. This suggested wording in the SPG would enable the Council some flexibility to apply any small amounts of unspent money on revenue and maintenance. If there was more than 5% of the original S106 sum which could not be spent in accordance with the legal agreement, the Council would firstly seek written permission to use the money for something else, but if this could not be agreed, the money would be returned to the developer.

Increases in the education contributions based on the Welsh Government's standardised cost per pupil provided by the Band B 21st Century Programme. The multipliers for primary and secondary school aged children have also been amended slightly to better reflect the number of pupils the Council would expect to live within different sizes of dwelling.

House Extensions and Domestic Outbuildings (update to existing SPG)

This SPG has been produced to add further guidance on Policies GP2 – General Amenity, GP6 – Quality of Design and H2 – Housing Standards within the context of house extensions and domestic outbuildings. The SPG aims to ensure that house extensions and outbuildings do not cause substantial harm to neighbours' living conditions and protect the character and appearance of residential buildings and their surroundings. More specifically, advice is given on development including, rear and side extensions, porches and front extensions, decking and patios and roof alterations. The proposed changes to the SPG are:

1. Amendment of the definition of 'habitable room' to state "*Any room used or intended to be used for sleeping, living, **cooking** or eating purposes. Enclosed spaces, such as bath or toilet facilities, service rooms, corridors, laundries, hallways and utility rooms, are excluded from this definition*". Whether a kitchen with no dining facilities was a 'habitable room' had been subject to debate. This definition strengthens the likelihood that a kitchen can be a 'habitable room'. The SPG includes tests for determining the acceptability of development on a protected window (which in turn, is a door or window that serves a habitable room). Hence the need to update the 'habitable room' definition.
2. Additional paragraph to stress that development proposals that have a significant overbearing effect on neighbouring garden areas (regardless of whether all other tests outlined in this SPG are met), will be unacceptable.
3. Further clarification on how the 25° test and 45° test (which consider the potential loss of daylight) should be applied, in particular, the impact of a proposed development on a protected side window.

New Dwellings (update to existing SPG)

This SPG supplements a number of LDP policies relating to the development of new dwellings including GP2 – General Amenity, H2 – Housing Standards, H3 – Housing Mix and Density and H6 – Subdivision of Curtilages, Infill and Backland Development. The document provides additional guidance on the determination of applications of new dwellings from backland development, infill development, housing estates and flat developments. It aims to establish a set of development principles that ensure that new dwellings are designed to ensure factors including amenity space standards, overdevelopment, privacy and loss of natural light are of an acceptable standard. The proposed changes to the SPG are:

1. The same amendments as above to provide consistency with regard to habitable rooms and the tests for the potential loss of light.
2. Amendments to the desired minimum floor area standards for flats and houses to better reflect the Welsh Government Development Quality Requirements.

Flat Conversions (update to existing SPG)

This SPG provides additional guidance principally on Policy H8 – Self Contained Accommodation and Houses in Multiple Occupation. Other policies of reference include GP2 – General Amenity and H2 – Housing Standards. The document aims to ensure that occupants of converted flats have reasonable living standards, existing dwellings nearby have reasonable living standards, and proposals protect the character and appearance of the built environment. The document provides guidance on minimum standards of internal floor space, amenity issues relating to noise and amenity space and privacy. The proposed changes to the SPG are:

1. The same amendments as above to provide consistency with regard to habitable rooms and the tests for the potential loss of light.
2. Amendments to the desired minimum floor area standards for flats and houses to better reflect the Welsh Government Development Quality Requirements.

Consultation Arrangements

The SPGs will be consulted on for a minimum period of 6 weeks. Consultation arrangements will include providing the document on the Council's website and electronic version will be available at the Councils libraries. There will also be targeted consultation letters or emails. SPGs are a material consideration in the determination of planning applications, with the weight attached increasing if it has been subject to public consultation.

Financial Summary

The proposed consultation would have minimal financial costs as the documents will be sent out electronically where possible. All relevant information will also be made available on the Council's website. Any costs will be met within the existing Local Development Plan budget.

Risks

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?
Clarity on the LDP policies is not provided and the LDP could be left	L	L	The SPGs have been prepared to add clarity and guidance on LDP policies to	Development & Regeneration Manager/Planning Policy Manager

open to interpretation and planning decisions are open to challenge.			aid the planning application determination process.	
Draft SPGs will carry less weight by Planning Inspectors in the determination of planning appeals.	M	L	The draft SPGs will be subject to public consultation, increasing the weight of the SPG. They will then be formally adopted.	Development & Regeneration Manager/Planning Policy Manager

Links to Council Policies and Priorities

The Local Development Plan is one of the statutory plans the Council has to prepare. It determines Newport's land use policies to 2026. Liaison has been maintained with officers from the relevant sections to ensure consistency and common purpose. The SPGs produced supplements and support the overarching principles set out in the LDP, adding more detail and clarification where required.

Newport City Council has a Corporate Plan that runs to 2022. Its primary objective is 'improving people's lives'. It has four commitments; Resilient Communities, Thriving Cities, Modernised Council; and Aspirational People. These SPGs will help deliver these commitments.

Options Available and considered

Approve all draft SPGs for public consultation.

Make amendments to the draft SPGs and then approve for consultation.

Approve certain draft SPGs but not all.

Do not approve any of the draft SPG for consultation.

Preferred Option and Why

To approve all draft SPGs for consultation. This will allow interested parties to provide responses on the proposed policy detail before the Council seeks to adopt the document for development management purposes. The weight attached to Supplementary Planning Guidance increases if public consultation is undertaken prior to adoption.

Comments of Chief Financial Officer

The decision to proceed with public consultation will have minimal financial impact and be met from within the Local Development Plan budget.

Appropriate SPG's and other related obligations are key to ensuring the Council is not disadvantaged unnecessarily as the City grows and changes and therefore indexation of the education elements are welcomed, as is the flexibility also included. . Any potential impact that may arise as a result of the consultation will need to be considered and budget identified where required.

Comments of Monitoring Officer

The four draft SPG's provide more detailed practical and technical guidance regarding the application of the strategic land use policies contained in the LDP and should provide a consistent approach for the determination of future planning applications. The Cabinet Member is asked to approve the draft SPG's for the purposes of a 6 week public consultation and to consider the responses to this consultation before deciding whether to adopt the SPG's with or without amendment. The final SPG's will then be a material planning consideration in the determination of relevant applications and greater weight can be

attached to them if they have been subject to public consultation, prior to their adoption. The draft SPG's are an update to existing SPG's to reflect enhanced financial provisions in relation to Planning Obligations and to clarify certain design matters in relation to various types on new-build residential developments.

Comments of Head of People and Business Change

From an HR perspective, there are no staff implications to this report.

This report has fully considered the sustainable development principle of the Well-being of Future Generations (Wales) Act 2015. Full details of how the proposal meets the five ways of working (long-term, prevention, integration, collaboration and involvement) of the principle are included in the appropriate section of the report.

Comments of Cabinet Member

Cabinet Member has been briefed on the report.

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.

Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultations on such documentation is open to all of our citizens regardless of their age. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Wellbeing of Future Generations (Wales) Act 2015

The Well-being and Future Generations (Wales) Act seeks to improve the social, economic environmental and cultural well-being of Wales. Public bodies should ensure that decisions take into account the impact they could have on people living in Wales, in the future. The 5 main considerations are:

- Long term: Ensuring appropriate standards and securing sufficient planning obligations will contribute to the long term targets of sustainable development principles. Improving design of buildings will also help with the longer term goals of creating new communities where people want to live.
- Prevention: The consideration of good design and standards as a result of the SPGs will prevent poor schemes from being implemented. Securing appropriate planning obligations will also prevent problems with school places, transport problems and shortages of leisure space.

Integration: Securing appropriate planning contributions will help to integrate facilities, such as schools, green space etc. within sustainable new communities. The integration of facilities will help reduce the need to travel and assist with environmental goals.

Collaboration: This report seeks approval for consultation of the draft documents. The consultation will inform the final versions and allow collaboration between those interested stakeholders. The Council's Development Management have been central to the content of the documents.

Involvement: This report seeks approval for consultation of these documents. The consultation will inform the final version of the documents and seeks views from interested parties. Their involvement is key to producing useful documents that can be used to implement the Council's sustainable development objectives.

The proposal is in line with the Council's well-being objectives published in March 2017. Specifically, these proposals contribute to the well-being objectives 2 to Promote economic growth and regeneration whilst protecting the environment.

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. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the consultation of these guidance documents.

Consultation

The draft documents have not been made publically available.

Background Papers

- Planning Obligations (update to existing SPG)



Planning Obs SPG
2019 (Latest Version)

- House Extensions and Domestic Outbuildings (update to existing SPG)



Draft House
Extensions and dorr

- New Dwellings (update to existing SPG)



New Dwellings -
SPG (UPDATED FEB 2

- Flat Conversions (update to existing SPG)



TRA97493 Flat
Conversions - SPG (f

Dated: 11 June 2019



Planning Obligations
Supplementary Planning Guidance
2019

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Glossary of Terms

BCIS – Building Cost Information Service

Administered by the Royal Institute of Chartered Surveyors it provides an Index identifying the inflationary % increase or decrease in the costs of construction year on year

CIL - Community Infrastructure Levy

A levy that Local Authorities can choose to charge on new developments in their area. The money can be used to support development by funding infrastructure that the City Council, local community and neighbourhoods want

DV - District Valuer

Provides professional property and valuation advice for the public sector.

LDP - Local Development Plan

The spatial planning strategy for the City Council

NOR – Numbers on Role

Represents the current and future 10 year projected pupil numbers

PO – Planning Obligation

A requirement on the developer to pay a financial sum or provide ‘in-kind’ works/facilities - secured under S106 of the Town and Country Planning Act 1990

PPW – Planning Policy Wales

Sets out National Planning Policy which is a material consideration in the determination of planning applications – published by Welsh Government

PMC - Private Management Company

A body nominated or established by the owner, and to be agreed with the Council if the land is not to be transferred to and/or managed by the Council

RPI – Retail Price Index

An inflationary index based upon the increase or decrease in prices

SPG – Supplementary Planning Guidance

A document prepared by the Local Planning Authority to provide more detailed local policy guidance to supplement the policies contained in the adopted Development Plan

TAN – Technical Advice Note

A document prepared by Welsh Government to provide more detailed guidance to the policies contained in PPW

TCPA – Town and Country Planning Act 1990 (as amended)

Permits Local Authorities to secure planning obligations from developers

UU – Unilateral Undertaking

A Legal Agreement, offered and signed only by the developer that binds the developer, upon approval of a planning application, to make a payment or carry out works in kind as specified

WG – Welsh Government

An executive branch of the devolved government in Wales

WS – Windfall Sites

A site not specifically allocated for development in a development plan, but which unexpectedly becomes available for development during the lifetime of a Development Plan.

PART ONE

1. Introduction

- 1.1 New development can create detrimental effects upon local amenity and infrastructure unless additional, or improved, services and facilities are provided through planning obligations. This adopted Supplementary Planning Guidance (SPG) identifies what, and when, the Local Planning Authority will expect from developers in terms of planning obligations, in order to assist the Council in creating sustainable communities that provide social, economic, and environmental benefits.
- 1.2 The infrastructure need generated by a proposed development is a material consideration in the determination of a planning application. The capacity of existing infrastructure may be exceeded as a consequence of new development, generating a need for new infrastructure or facilities. The use of planning obligations may be appropriate to require developers to make contributions for the provision of infrastructure to support proposed development.
- 1.3 A planning obligation is a legally binding agreement, which runs with the title of the land. It requires the developer to either carry out certain works (known as a contribution in kind), or to contribute financially towards the provision of measures that will mitigate the detrimental impacts of their development. Where a developer fails to show they can adequately mitigate a developments impact, it is likely the planning permission will be refused.
- 1.4 The Council does not propose to formulate a blanket approach to planning obligations, as each planning application will be considered on its own merits. Obligations relating to matters not covered by this SPG may be sought where there is sufficient robust evidence to justify such obligations. This guidance aims to provide clarity for interested parties and it will represent a material consideration in the determination of relevant planning applications and appeals.
- 1.5 Extant planning permissions, granted before this SPG is adopted, will come within the terms and conditions of this new policy, should an application for renewal be submitted. Likewise, material changes in planning circumstances will be considered regarding Section 73 applications, the practical effect of which is to grant a fresh consent.

2. National and Local Policy Context

National Planning Policy

- 2.1 Section 106 of the Town and Country Planning Act (TCPA) 1990, as amended by Section 12 of the Planning and Compensation Act (1991), and the Community Infrastructure Levy Regulations 2010 (as amended), is the legislative framework for planning obligations. Any obligation must meet the following three tests:
 - 1) Necessary to make the development acceptable in planning terms;
 - 2) Directly related to the development; and
 - 3) Fairly and reasonably related in scale and kind to the development.
- 2.2 Furthermore, it should be noted that the CIL Regulations (Regulation 123) restricts the pooling of s106 contributions. Regulation 123 states a section 106 obligation cannot constitute a reason for granting planning permission if five or more separate planning obligations already exist for a specific single infrastructure project (entered into since 6th

April 2010)). The Council keeps up to date records of all section 106 agreements entered onto on the Planning Register. In discussions with developers, the Council will consider whether the pooling restriction is relevant and seek to ensure that the development can be appropriately mitigated through planning obligations, whilst ensuring that the pooling restriction is not breached. If a development is not capable of delivering appropriate infrastructure because of the pooling restriction, this may make it unacceptable in planning terms.

- 2.3 Given the uncertainty regarding the future of the Community Infrastructure Levy Regulations 2010 (as amended) and the devolved powers Welsh Government inherited to modify existing secondary legislation in April 2018, the Council has agreed that until there is a clear direction from Welsh Government, that progress on CIL is to be placed into abeyance. In the meantime, the Council will continue to use planning obligations secured through section 106 agreements to secure necessary infrastructure.
- 2.4 Planning Policy Wales (PPW) identifies that planning obligations are useful arrangements to overcome obstacles which may otherwise prevent planning permission from being granted. Contributions may be used to offset negative consequences, to help meet local needs, or to secure benefits which will make development more sustainable. It is essential that arrangements are fair to both the developer and community, that the process is transparent as possible, and that development plans provide guidance on the types of obligations which the Council may seek.

Local Planning Policy

Newport Local Development Plan

- 2.5 The Council adopted the Local Development Plan (2011-2026) in January 2015. Whilst new development proposals should have regard to all relevant policies of the Plan the following policy is particularly pertinent in relation to planning obligations and new developments.

Policy SP13 (Planning Obligations) states:

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 ITS LOCATION.

THIS LIST IS NOT EXHAUSTIVE, BUT THE FOLLOWING ARE INFRASTRUCTURE PRIORITIES THAT DEVELOPERS WILL BE EXPECTED TO PROVIDE OR CONTRIBUTE TO IN ORDER TO MITIGATE ANY NEGATIVE CONSEQUENCES OF DEVELOPMENT:

- *EDUCATIONAL FACILITIES AND/OR THEIR UPGRADES;*
- *AFFORDABLE HOUSING;*
- *IMPROVEMENTS TO THE HIGHWAY NETWORK, INCLUDING WALKING AND CYCLING ROUTES AND PUBLIC TRANSPORT;*
- *OUTDOOR RECREATION;*
- *PROTECTION, ENHANCEMENT AND MANAGEMENT OF THE NATURAL, HISTORIC AND BUILT ENVIRONMENTS,*
- *COMMUNITY FACILITIES AND/OR THEIR UPGRADES, AND*
- *IMPROVEMENTS TO THE PUBLIC REALM.*

3. Procedure

- 2.0 Where pre-application advice has raised a S106 issue or where adopted policy expects a planning obligation, developers are advised, if possible, to submit the following documents

with their application:

- Proof of Title – proof of ownership of all the property and/or land affected by the application site edged red. Because planning obligations run with the land, all owners, lessees and mortgagees must be signatories;
- Draft S106 Heads of Terms;
- Any valuation to prove eligibility for reduced contributions, accompanied by information detailing how costs were derived;
- All other requirements outlined by the application form checklist;
- Details of the solicitor that will be handling the case;

3 Payments and Bonds

- 4.1 The timeframe for payment of contributions will be subject to negotiation between the parties. All payments will be index linked from the last index prior to the date of signing of the associated S106 agreement and the last index published prior to the date the financial sum is due.
- 4.2 Overdue financial obligations will be subject to Late Payment Interest to be included in the legal agreement at a rate of 2% above Santander base rate, payable from the date on which the amount was due until the date it is received by the Council. Where it is deemed necessary, the Council will require the developer to pay a bond to ensure delivery of obligations.

5 Compliance and Monitoring

- 5.1 Compliance with the obligations contained within planning legal agreements remains the responsibility of the landowner, or their chosen development representative(s). The Planning Contributions Manager provides proactive monitoring of agreements, to assist in ensuring that obligations are met in a timely manner by all parties. Breaches may result in a legal injunction and/or debt recovery proceedings.
- 5.2 Financial contributions, which remain unspent at the end of the specified time period, will be returned to the payee with any interest accrued, unless otherwise agreed in writing. If 95% of the total sum has been spent in accordance with the legal agreement, the remaining unspent 5% can be transferred to the revenue income of the appropriate service area.
- 5.3 Planning Obligations will be monitored by the Planning Contributions Manager to ensure that all obligations are complied with by both the developer and the Council. Regular monitoring reports will be produced that will provide details of agreements entered into, financial contributions received, and the completion of schemes that have been funded through financial contributions in whole or in part.
- 5.4 Once projects are completed, service areas are required to provide evidence of their delivery. In some circumstances, where the original agreed planning obligation/s have become outdated, due to changing circumstance, it may be appropriate to require other related obligations to support the proposed development. This has to be agreed by the owner of the site.

6 Legal Agreements and Administration Fees

- 6.1 Planning Obligations can be contained in Unilateral Undertakings or Agreements. Unilateral Undertakings are usually drafted by the developer's solicitors, whereas Agreements are

usually drafted by the Council's in house solicitors (but there is no general objection to developers arranging for their own solicitors to draft the Agreement if preferred). Either way the developers will be responsible for the Council's legal costs incurred in relation to the process of drafting, approving and completing any Deed of Obligation, including costs of title investigation which is necessary to ensure the correct parties enter into the Deed. The legal agreement shall be signed within three months of the resolution to grant permission. If not agreed within this time period, or cannot be signed imminently, the application will be submitted to Planning Committee or to the officer who holds delegated powers with a recommendation for refusal.

- 6.2 In addition to the planning application and legal fee, the Council charges an Administration Fee for progressing and subsequent monitoring of S106 planning agreements. This reflects the additional work which goes above and beyond the normal cost of assessing a planning application. The fee is calculated on the basis of 2% of the total financial contribution being sought under the agreement, or 20% of the planning application fee, whichever is the greater, subject to a minimum fee of £200. The 2% figure is based on the total financial contributions sought plus the financial value of the in-kind contributions, where this can be appropriately calculated. This forms a separate agreement between the Council and landowner/developer. The Council will secure this either via a solicitors undertaking, similar to the Council's legal costs, or at the forefront of the section 106 agreement under "Miscellaneous Matters" (falling outside of the schedules containing the planning obligations).
- 6.3 In those cases involving significant planning obligation contributions, it may be appropriate to negotiate a fee based on the amount of officer involvement, rather than the above formula. Phased payments related to occupancy rates will also be considered for significant contributions.
- 6.4 Applicants will be expected to contractually agree within the legal agreement that they will pay the Administration Fee at the same time as payment of the Legal Fees i.e. at the date of signing of the legal agreement. These fees are non-refundable.

7 Types of Obligations

- 7.1 The Local Planning Authority considers that development costs incurred in delivering sustainable development is to be expected, and therefore, a development site should still be able to contribute towards, where appropriate, the following planning obligations:
- EDUCATIONAL FACILITIES AND/OR THEIR UPGRADES;
 - AFFORDABLE HOUSING;
 - IMPROVEMENTS TO THE HIGHWAY NETWORK, INCLUDING WALKING AND CYCLING ROUTES AND PUBLIC TRANSPORT;
 - OUTDOOR RECREATION;
 - PROTECTION, ENHANCEMENT AND MANAGEMENT OF THE NATURAL, HISTORIC AND BUILT ENVIRONMENTS;
 - COMMUNITY FACILITIES AND/OR THEIR UPGRADES; AND
 - IMPROVEMENTS TO THE PUBLIC REALM.
- 7.2 The above list should be regarded as illustrative (and not exhaustive) of the types of contributions that might be necessary depending on individual circumstances.
- 7.3 Once sufficient infrastructure to enable a scheme to proceed has been made available, the priority given to the different types of planning obligation will be at the discretion of the Local Planning Authority, and dependent upon the characteristics and location of individual

sites. However, in order to provide a balanced sustainable development in planning terms, the Council will endeavour to ensure that S106 contributions equitably serve the planning objectives. The Planning Officer's report to Committee will provide the justification for the chosen priorities.

8 Piecemeal Development and Under-Development

- 8.1 Where an adjacent and related development forms part of a site that, in its entirety, would meet or is capable of meeting any defined threshold, the requirement for the obligation will still apply. Under such circumstances, each subdivided plot will be required to provide contribution towards the relevant obligation proportionate to its size and relative to its impact. Where the new development involves more than one developer, the Council may seek joint contributions from developers to mitigate combined impacts.
- 8.2 The Council will also consider whether a proposal constitutes deliberate under-development of a site, in order to avoid planning obligation contributions i.e. does the development represent an inefficient and unsustainable use of land. However, as a general rule, a minimum density of 30 dwellings per hectare will be considered appropriate; a lower density will be considered if it complies with policy H3 – Housing Mix and Density.

9 Outline Planning Applications

- 9.1 When required and supported by evidence, when determining an outline planning application, a legal agreement will be required to provide for the principle of specific obligations, with the value and details to be determined when the full details of the scheme are known, via the associated Reserved Matters application. The S106 agreement at outline stage will, therefore, be formula based, so that the exact contributions will be dependent upon floor space or the number and size of dwellings.

10 Development Costs

- 10.1 Developers/Owners must ensure "due diligence" in the acquisition of development sites. This is usually done by means of an "environmental audit" and basic site investigation to identify any liabilities and development constraints before purchase of the site. Many of the development sites in Newport are 'brownfield' sites and, therefore, any abnormal costs should be reflected in the valuation and purchase price of the site. Any unforeseen costs, not considered at the outline planning application stage, would have to be provided on an 'open book' basis.

11 Financial Viability

- 11.1 Certain proposals may be eligible for discounted or reduced contributions, if it can be proven that the level of contribution required will jeopardise a proposal's viability. This is most likely to be the case on previously developed land, and the development of the site is considered to be a significant regeneration benefit.
- 11.2 It is expected that an 'open book' approach to negotiations will be supported by developers/owners, in order that planning obligations can be secured at appropriate levels to mitigate the impact of the development, whilst ensuring that the development remains viable. Any financial information supplied by a developer as part of this 'open book' process will be considered as being 'commercial information supplied in confidence'.
- 11.3 All 'open book' financial appraisals will be scrutinised by the Council, which may lead to additional questions being asked of the applicant. Developers will be expected to prove to the Council that a scheme is financially unviable. The Council will seek verification of these

details for the Three Dragons Development Appraisal Toolkit. Assessments undertaken by developers/owners utilising other suitable toolkits (e.g. Circle) will also be considered. Where the parties are unable to agree, or by prior mutual agreement, the Council will instruct the District Valuer to undertake an independent study, at cost to the applicant.

- 11.4 Irrespective of the outcome of a viability appraisal, it may be necessary for the Council to secure a certain level of developer contributions, in order to mitigate the impact of the development. Such a circumstance could be where a failure to make some provision for certain infrastructure items would make the development unacceptable in planning terms, contrary to policy and an unacceptable burden. This will be assessed on a case-by-case basis. In such circumstances, failure to secure the contributions, deemed necessary to support the proposal, could result in a recommendation of refusal.
- 11.5 It is important to understand the principle that a planning obligation is generally necessary to make a proposed development acceptable in planning terms. A scheme's non-viability, although a material consideration, is not a sufficient reason in itself for accepting reduced contributions. Reduced contributions would, however, be considered for developments that provide regeneration benefits and/or additional planning benefits to the City.

12 Time Limited S106 Agreements & Reviews

- 12.1 In exceptional circumstances, where the Council accepts that the scheme is unable to make any or all the required contributions, due to proven viability difficulty, it may, where applicable, impose a planning condition or obligation, setting a limited timeframe within which the development must be substantially completed.
- 12.2 Where reductions are justified, the Council may require developers to agree to timely review points in their section 106 agreement to take account of any subsequent change in the economy, which may make additional planning obligations feasible. All interested parties must agree to the review process.
- 12.3 Please note that any future Renewal Application of an extant permission or new Full Application will also result in all planning contributions being re-assessed, based on local and national policy at the date of registration of the planning application.

13 Dispute Resolution

- 13.1 Where there is a dispute between the Council and landowner, applicant and/or developer, and where all parties agree, the District Valuer (DV) will be appointed to undertake an independent assessment of scheme viability and the ability to achieve the planning obligations that are in dispute. The DV appointment will be paid for by the applicant/owner/developer. All key stakeholders must endorse the process, play an active role and be willing to submit appropriate information to enable the appraisal to be undertaken. The role of the DV is to validate factual information to assist in the resolution of issues. Both parties should accept the DV's decision on the determination of viability. However, the DV would not act as an arbitrator. Responsibility remains with the Local Authority and landowner, applicant and/or developer to resolve the dispute.
- 13.2 A Statement of Common Ground must be jointly produced to establish project elements, costs and assumptions that can be agreed between both parties at the outset of the DV's involvement. Any financial assessment can then focus on addressing the specific areas of disagreement. To address commercially sensitive information, a confidentiality agreement can be drawn-up to ensure that any sensitive financial information is made available only to the assessor and not shared directly with the Local Authority or any other third party. Only the findings of the assessor need to be shared across all parties, based upon the information supplied to them and their professional opinion on its accuracy. However,

enough information must be presented to ensure the decision making process can continue and to see the effect the decision may have on the scheme viability and also give confidence to determine the need to depart from policy.

- 13.3 Either party may, of course, decline to participate. However, this could be perceived as obstructing a potential resolution and may compromise their position at a later date in the decision making process.

14 **Renegotiation**

- 14.1 Where a consented development can no longer deliver the agreed planning contributions, for reasons of non-viability (subject to verification by the developer/owner in accordance with the procedures identified above), the Council is entitled to take a view on whether there are benefits to the scheme that justify flexibility. The Council will consider whether the development is of sufficiently high priority to warrant renegotiation of planning obligations to restore viability and allow delivery, and whether any re-negotiated development will continue to match the Council's local policies and priorities. For example, reduced contributions would be considered for developments that provide regeneration benefits and/or additional planning benefits to the City.

PART TWO

15 Affordable Housing

Policy Background

- 15.1 The Welsh Government (WG) published Technical Advice Note 2: Planning and Affordable Housing (TAN2) in June 2006. TAN2 defines affordable housing as ‘housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers’. TAN2 identifies that affordable housing includes social rented housing (e.g. provided by registered social landlords) and intermediate housing, where prices or rents are above those of social rent but below market housing prices and rents.
- 15.2 Policy H4 (Affordable Housing) of Newport’s Adopted Local Development Plan (2011 - 2026) identifies that the Council will seek to negotiate appropriate elements of affordable housing on new developments or commuted sums.
- 15.3 Planning Policy Wales states that where development plan policies identify that affordable housing, or other developer contributions, are required on specific sites, then this will be a material consideration in determining relevant planning applications.
- 15.4 Applicants should be aware that affordable housing provision is exempt from contributions towards leisure and education planning obligations.
- 15.5 The Council will expect applicants to have taken into account the cost of providing policy compliant affordable housing provision when purchasing land. The Council will not allow a reduced affordable housing contribution if a developer has paid too much for a site by neglecting to consider the cost of providing the affordable housing. The Council will require that land values agreed take into account the full provision of affordable housing in line with policy. The assumption should always be that public subsidy would not be available.
- 15.6 However, any applicant who believes that 10%, 20%, 30% or 40% is inappropriate on any particular site will need to demonstrate that fact to the Council (see appendix 6 of the Affordable Housing SPG for further details). The applicant will also be required to meet the costs of independently assessing the scheme on behalf of the Council. Furthermore, such discussions will need to take place as early in the process as possible, to allow the Council to explore other funding routes. Should this be necessary, the affordable homes will need to be delivered in accordance with the relevant funding requirements current at the date of entering into contract for the construction of the affordable housing units.
- 15.7 The viability assessment will include assessments of anticipated costs against anticipated income for the site, to produce a residual land value. This land value will then be measured against any alternative use values to assess whether the site will still come forward for development.

Trigger for Obligation

- 15.8 On-site affordable housing provision and/or commuted sums will be sought on all housing sites. The detail of the provision will depend on whether the proposal meets the relevant thresholds identified in policy H4 – Affordable Housing. The Affordable Housing SPG sets out the detail of the calculation method for the required provision. Affordable housing should normally be provided on-site in order to contribute to socially mixed communities, although in exceptional circumstances it may be provided off-site or via a commuted sum paid ‘in-lieu’; this will need to be evidenced (please see the Affordable Housing SPG for more detail).
- 15.9 Registered Social Landlords are key partners in the process and the Council will involve them at an early stage in negotiations with developers.

- 15.10 **Detailed guidance** on the type and provision of affordable housing in Newport can be found in **Affordable Housing Supplementary Planning Guidance**. Further information in relation to affordable housing provision, Housing Market Assessments, and waiting lists can be obtained from:

Housing Strategy & Development Manager

Regeneration, Investment & Housing
Civic Centre
Newport
NP20 4UR
Tel 01633 656656

OR

Planning Contributions Manager

Regeneration, Investment & Housing
Civic Centre
Newport
NP20 4UR
Tel 01633 210087

16 Education

Policy Background

- 16.1 The justification for requiring financial or in-kind contributions in respect to educational facilities is set out in Welsh Office Circular 13/97 (Planning Obligations). Paragraph A4 identifies that Section 106(2) of the Town and Country Planning Act 1990 provides for payments of money to be made, either of a specific amount or by reference to a formula. Paragraph B10 states that provision of educational facilities may be acceptable provided that such facilities are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.
- 16.2 Policies SP13 – Planning Obligations of the Adopted Newport Local Development Plan (2011-2026) states that the Council will seek contributions (where necessary and generated as a result of the development) towards the cost of education facilities and/or their upgrades.
- 16.3 The Council will seek contributions for all age groups for all maintained schools. Planning Obligations will be sought for:
- major development: Where there is a specific and identified need, a major development should bear the full cost of education facilities needed to support it, including where appropriate, the acquisition and provision of a fully serviced site, the design and construction of buildings, fixture and fitting costs and any necessary transport measures;
 - provision of new classrooms;
 - improvements and refurbishment of existing facilities to provide additional capacity;
 - provision of additional resources or improvements to existing resources necessitated by the additional demand;
 - provision of any necessary interim school measures which, in some circumstances, might be required when it is not possible to ensure that permanent measures will be in place on time.
- 16.4 Housing development within a catchment/cluster area of a school will increase the numbers of pupils that a school will need to cater for. Where a number of developments take place within a catchment/cluster area over a short period of time, this position can be exacerbated. In reality, the need for additional school places does not occur until such time

as the number of pupils generated by the development, in addition to the existing school roll, exceeds the available places. If this was to be taken literally the development that will generate the first additional place will be responsible for providing the contributions to provide the additional capacity, whilst previous developments have not been subject to any charge, even though they have contributed to the under-supply of places. In this case, the requirement to contribute to additional provision becomes a lottery of when planning permission is granted and can lead to developments being treated differentially due to the timing of their permissions. This is neither fair nor reasonable and contrary to Circular 13/97.

As such, existing surplus capacity will not automatically be credited to developers, except where:

- surplus capacity is unlikely to be taken up by development with extant permission (including resolutions for permission within a 6 month period) and/or development identified in the published Joint Housing Land Availability Study 5 year land supply;
- no works are required to make existing school accommodation 'fit for purpose' based upon WG's capacity methodology formulae; and,
- there is surplus capacity over the lifetime of the planning permission (based upon Education Department birth projections and capacity forecasts)

Please note that for the purposes of planning contributions, the pupil capacity will be calculated net of any capacity that has been achieved through using temporary accommodation for 3 years or less.

16.5 Negotiations with developers on planning agreements will include:

- the project(s) to which their contributions may be used;
- the timing of the payment of agreed contributions; on large sites payments may be phased by agreement with the authority;
- when contributions will be spent; this will normally be within 5 years of receipt of the final payment.

Trigger for Education Contribution

16.6 A contribution will be sought from a developer if the 'net gain' of dwellings to be built is 5 or more and where:

- the pupils potentially arising from the development will cause the 'surplus capacity' of any secondary school within the cluster area to be exceeded; and/or
- the pupils potentially arising from the development will cause the 'surplus capacity' of any primary school within the catchment area to be exceeded; and/or
- there is inaccessible surplus capacity in catchment and cluster schools to accommodate some or all of the pupils probably arising from the development, but refurbishment is required to make those places 'fit for use'.

In all above cases, the contribution requested will relate to the number of pupils expected to be generated by the proposed development.

The only exemptions will be:

- sheltered/elderly person housing
- care homes, rest homes and nursing homes;
- homes for the homeless;
- hotels;
- agricultural dwelling;
- hostels; student accommodation (including residential schools, colleges or training centres).

- 16.7 The Council will take account of school capacity when calculating financial contributions towards education facilities. The school capacity is published in the Newport City Council Parents' Information Handbook.
- 16.8 Where large scale development generates sufficient pupil numbers to justify a new primary or secondary school, this will be required to be provided within the development. If not physically possible to accommodate the facility on site, the developer will be required to make an equivalent financial contribution (e.g. land value and building costs) towards its off-site provision.

Education Contribution Formula

- 16.9 Firstly calculate the number of pupils in each age range that are expected to arise from each type of dwelling in the development. (Please note that figures will be rounded up or down to the nearest whole figure e.g. 0.49 or less will equal 0 (zero), whilst 0.5 or more will equal 1 (one))

<u>Proposed Dwelling</u>	<u>Primary</u> No. _____ of <u>Dwellingsx</u>	<u>Secondary</u> No. _____ of <u>Dwellingsx</u>
1 bed dwelling	0.04	0.01
2 bed dwelling	0.14	0.05
3 bed dwelling	0.30	0.17
4 bed dwelling	0.38	0.27
5+ bed dwelling	0.41	0.35

Total number of primary school pupils generated.... **A**
Total number of secondary school pupils generated..... **B**

16.10 Calculate the requirement for increased capacity taking into account capacity and “number on role” (NOR).

a. If the NOR is **less than** identified capacity

Calculate the number of additional pupils by which the school NOR exceeds the published “capacity” once the number of pupils generated are added to the school role.

Primary: **C = NOR + A – capacity**
Secondary: **D = NOR + B – capacity**

Or

b. If the NOR is already **greater than** identified capacity

Use the number of additional pupils generated by the development.

Primary: **C = A**
Secondary: **D = B**

Then

**Section 106 Contribution = C x Primary Cost Multiplier
+ D x Secondary Cost Multiplier**

16.11 The 2018/19 Cost Multipliers are:

Primary: £19,034
Secondary: £29,741

The cost per pupil is based upon Welsh Government standardised costs provided by the Band B 21st Century programme.

All cost multipliers will be reviewed annually and updated if necessary.

In some cases, the specific circumstances of the proposed education development will be taken into account to ensure the obligation reflects the actual cost of delivering new facilities on specific sites, including but not restricted to site topography/history, flood risk (and associated mitigation measures) and development constraints.

Further information on school capacities and numbers on roll can be obtained from

The Planning Contributions Manager

Regeneration, Investment & Housing
Civic Centre
Newport
NP20 4UR
Tel (01633) 210087

17 Leisure & Recreation

Policy Background

- 17.1 Planning Policy Wales (2016) identifies that the Welsh Government's main planning objective is to promote a more sustainable pattern of development by creating and maintaining networks of facilities and open spaces, particularly within urban areas. In addition, Local Planning Authorities may be justified in seeking Section 106 contributions to contribute to the maintenance of facilities and open space, and to meet the needs of new communities, and ensure that standards of provision are met.
- 17.2 Policy CF2 (Outdoor Play Space Requirements) of the Adopted Newport Local Development Plan (2011-2026) states that provision of open space at a minimum standard of 2.4 hectares per 1000 population will be sought on all new housing developments with the developer making a requisite commuted sum towards future maintenance.

Trigger for Obligation

- 17.3 A contribution will be sought from a developer if the net gain of dwellings to be built is 5 or more. Please note, however, that surplus capacity will not automatically be credited to developers; surplus capacity will have to take account of development with extant permission including resolutions for permission within a 6 month period) and/or development identified in the Joint Housing Land Availability Study 5 year land supply. Contributions will be spent in the associated ward, or if more appropriate, spent in the local vicinity.
- 17.4 A financial contribution, in-lieu of on-site provision, will be sought for developments between 5 and 15 dwellings; this will be spent in the leisure areas determined to be affected by the proposals. For developments of 15 or more dwellings the preference is for provision to be situated on-site. However, in exceptional circumstances, a financial contribution, or partial financial and partial on-site provision, will be considered.

Maintenance Payments

- 17.5 Where on-site provision is agreed, an additional maintenance payment covering a period of 20 years will be required upon adoption. The level of maintenance payments are regularly updated by the Council in accordance with current Council contracts. Alternatively, if all parties agree, Private Management Companies could be used as an alternative to maintenance payments to the Council.
- 17.6 For clarity please note that Homes for the Homeless, Sheltered/Elderly housing, Care Homes, Rest Homes and Nursing Homes are exempt from leisure and recreational obligations. In the case of one bed apartments, these are exempt from provision towards children's play areas but are included for the purpose of informal and formal space requirements.

Calculating the Requirement

- 17.7 Provision of a satisfactory level and standard of outdoor play space should be sought on new housing developments where it can be demonstrated that a new housing development would exert additional pressure on existing facilities.
- 17.8 Outdoor play space will be sought on all residential developments of five units or more, as a collective number of small sites would place the same pressures on resources as a large individual site. The lowest amount of usable outdoor play space generated from a new

development is that of a Local Area for Play (100m²), which would be created from a development of 15 dwellings.

- 17.9 Financial contributions, in-lieu of on-site provision, should be sought for development of 5 to 14 dwellings. For developments of 15 or more dwellings, on-site provision and/or a financial contribution will be considered.
- 17.10 Where sites are sub-divided, the Council will seek to secure an appropriate amount of open space as if the whole site were to be developed. Where part of the site has previously been developed, subsequent developers may be expected to make provision to reflect the numbers on the combined parts of the site.

Development size	Requirement
5 – 14 dwellings	Financial contribution in lieu of onsite provision
15 + dwellings	Either on site provision or financial contribution in lieu of onsite provision

- 17.11 The total outdoor play requirement for a development will be calculated by multiplying the number of dwellings by a given occupancy rate relevant to each dwelling. The number of bedrooms a dwelling has will determine the most appropriate occupancy rate. The average occupancy levels used by the Council for the purposes of the SPG are:

Household type	Average occupancy
1 bed flat	1.5 persons
2 bed flat	2 persons
3 bed flat	2.5 persons
1 bed house	1.5 persons
2 bed house	2 persons
3 bed house	3 persons
4+ bed house	4 persons

- 17.12 The FIT 'Benchmark Standard' of 2.4 ha per 1,000 population can be broken down to a square metre requirement per person as follows:

Standard

Designated equipped playing space	0.25 ha per 1,000 pop = 2.5m ² per person
Informal playing space	0.55 ha per 1,000 pop = 5.5m ² per person
Outdoor sport (formal)	1.6 ha per 1,000 pop = 16m ² per person

- 17.13 The estimated development population can then be assessed against the FIT standard to calculate the required amount of outdoor play space relevant to the development.

Worked example

A development of 50 three bedroom houses would give a development population of 50x3 (based on average occupancy rates) = 150. The outdoor play space requirement would therefore be:

Designated equipped playing space	150 x 2.5m ² = 375 m ²
Informal playing space	150 x 5.5m ² = 825 m ²
Outdoor sport (formal)	150 x 16m ² = 2400 m ²
Total provision = 3600 m²	

- 17.14 The guide to the level of provision required, depending on the estimated development population, is therefore:

Development population	Equipped playing space (m ²)	Informal playing space (m ²)	Outdoor sport (m ²)	Total development provision (m ²)
50	125	275	800	1200
100	250	550	1600	2400
200	500	1100	3200	4800
500	1250	2750	8000	12000

- 17.15 The type of *equipped playing space* considered acceptable by the Council will be judged on a site-by-site basis. However, the sort of equipped play likely to be required based on the size of the development population is indicated as:

Development population	Equipped playing space (m ²)	Type of equipped play
100	250	Local Area for Play
150	375	Local Equipped Area for Play
250	625	Local Area for Play & Local Equipped Area for Play
350	875	Neighbourhood Area for Play

Further Information

- 17.16 Further information and details on types of equipment and maintenance costs can be found in the Council's Outdoor Play Space Supplementary Planning Guidance. Detailed requests can be directed to:

Planning Contributions Manager

Regeneration, Investment & Housing
Civic Centre
Newport
NP20 4UR
Tel (01633) 210087

18 Transportation

Highway & Infrastructure Provision

Policy Background

- 18.1 Welsh Office Circular 13/97 (Planning Obligations) identifies in Paragraph B10 that appropriate contributions may be sought towards new access roads, improved junction layouts, extra car parking facilities, new/improved rail/bus stations, park and ride schemes, improved bus services, and improved measures for cyclists and pedestrians both on, and where necessary, off the development site.
- 18.2 Additionally, TAN 18: Transport (2007) states that planning authorities may use planning obligations to secure improvements in roads, cycling and public transport, whether as a result of a proposal on its own or cumulatively with other proposals and where such improvements would be likely to influence travel patterns, either on their own or as part of a package of measures. It also identifies that pooled contributions towards infrastructure capacity issues may be appropriate when a number of individual developments create a combined need or an unacceptable cumulative impact

Trigger for Obligation

- 18.3 The Local Planning Authority will require contributions from any development, regardless of size or type, where there is a requirement to improve existing, or construct new, highway infrastructure, either in order to provide safe access to a new development, or, as a result of the additional traffic impact associated with the development. This contribution would be required in addition to contributions to other travel modes such as public transport provision, cycle routes, or footpaths.

Further Information

- 18.4 Further information on highway design requirements, Section 278 Agreements (1980 Highways Act), and car parking standards can be obtained from:

Team Manager
City Services
Civic Centre
Newport
NP20 4UR
Tel (01633) 656656

OR

Planning Contributions Manager
Regeneration, Investment & Housing
Civic Centre
Newport
NP20 4UR
Tel (01633) 210087

19 Residential and Employee Travel Plans

Policy Background

- 19.1 PPW identifies that when determining a planning application for development that has transport implications, local planning authorities should take into account the willingness of a developer to promote travel by public transport, walking or cycling, or to provide infrastructure or measures to manage traffic, to overcome transport objections to the proposed development.
- 19.2 PPW also states that planning obligations may also be used in appropriate circumstances to secure off-site improvements in public transport, walking and cycling, where such measures would be likely to influence travel patterns to and from the site involved.

Trigger for Obligation

- 19.3 Developers will be required to produce a Travel Plan where Traffic Impact Assessments (TIAs) identify that a proposed development could have a detrimental impact upon travel movements on the existing highway network. The Travel Plan will need to identify what measures will be implemented by the developer to overcome any detrimental impact through promoting sustainable integrated transport solutions that will reduce the reliance on the private car. The objective of the travel plan will be to achieve at least a 10% modal shift in travel behaviour of the occupiers of the site. The Travel Plan obligation will require occupiers of development to undertake a staff/resident travel survey and implement and monitor a staff/resident travel plan. The Travel Plan should include the provision of up to date information about public transport services, timetables, and opportunities for car sharing (e.g. via a car share website). However additional measures may also be sought, including provision of designated car share parking spaces, discount vouchers/passes for public transport, or financial contributions toward shuttle buses and park and ride schemes.

Further Information

- 19.4. For further information please contact:

Passenger Transport Officer

City Services
Civic Centre
Newport
NP20 4UR
Tel (01633) 656656

Planning Contributions Manager

Regeneration, Investment & Housing
Civic Centre
Newport
NP20 4UR
Tel (01633) 210087

20 Payment Details

Financial contributions will be paid to Newport City Council. Please send payment(s) to:

Planning Contributions Manager
Newport City Council
Regeneration, Investment & Housing
Development Services
Civic Centre
Newport
NP20 4UR

You must state the planning application number and development address

- Please make **cheques** payable to Newport City Council
- For **BACS transfers**, please quote S106 then your planning application number in the format '--/----'

Council Bank Details:

Santander
Sort Code: 09-07-20
Account Code: 05070406
Newport City Council Collection Account

When making a payment by BACS, please inform the Planning Contributions Manager in advance of the payment date with the following details:

- Planning permission reference
- Clauses and Obligations being met
- Name of payee
- The value of the payment

Notification can be made by telephone (01633) 210087 or electronically to alun.lowe@newport.gov.uk

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Newport City Council

Supplementary Planning Guidance

**HOUSE EXTENSIONS AND DOMESTIC
OUTBUILDINGS**



Draft February 2019



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1.0 INTRODUCTION

1.1 What is supplementary planning guidance (SPG)?

1.1.1 Published as an addition to the Newport Local Development Plan 2011 – 2026 (Adopted Plan, January 2015), supplementary planning guidance provides clear, in-depth advice on a range of planning and development issues. Before it can be adopted, it has to undergo a period of public consultation and then receive the council's approval. Once adopted, it constitutes a material consideration in the determination of relevant planning applications.

1.2 What is the history of the House Extensions and Domestic Outbuildings SPG?

1.2.1 This SPG was formally adopted on 06 August 2015. It has been updated in 2019 to add clarification on points raised in the ongoing use of the guidance.

1.3 What is the purpose of this SPG?

1.3.1 This SPG has two main functions:

- i) To ensure that house extensions and domestic outbuildings do not cause substantial harm to neighbours' living conditions;
- ii) To protect the character and appearance of residential buildings and their surroundings.

1.4 Further advice

1.4.1 Further advice may be sought from:

Development Management, Newport City Council, Civic Office, Godfrey Road,
Newport NP20 4UR.

e-mail: planning@newport.gov.uk

Duty Planning Officer: 01633 656656

2.0 TERMINOLOGY

2.1 Dwelling

2.1.1 A flat or a house.

2.2 Extension

2.2.1 Any form of development that increases the volume of a house (measured externally).

Note:

This definition encompasses porches, conservatories and roof extensions, such as dormers and new gable ends on previously hipped roofs.

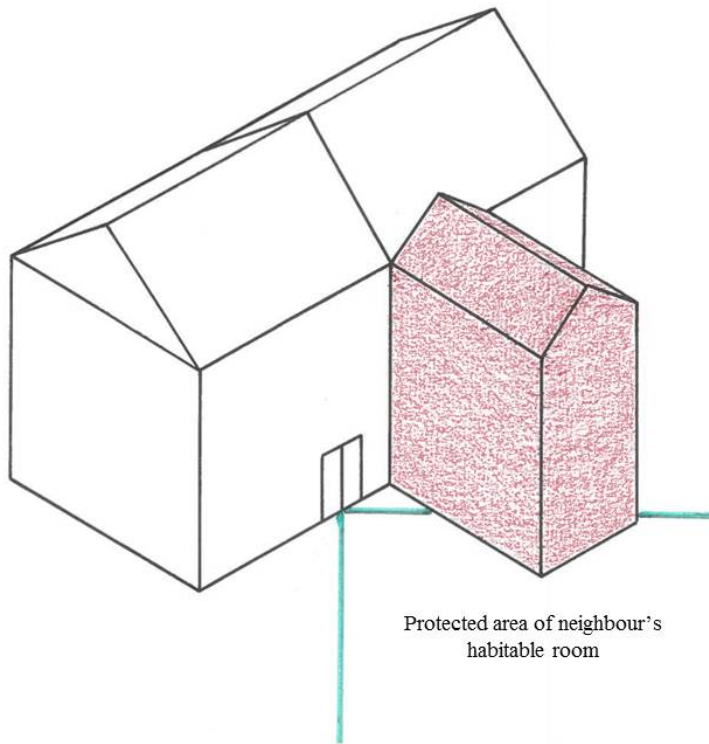
2.3 Habitable

2.3.1 Any room used or intended to be used for sleeping, living, cooking or eating purposes. Enclosed spaces, such as bath or toilet facilities, service rooms, corridors, laundries, hallways and utility rooms, are excluded from this definition.

2.4 Perceived space

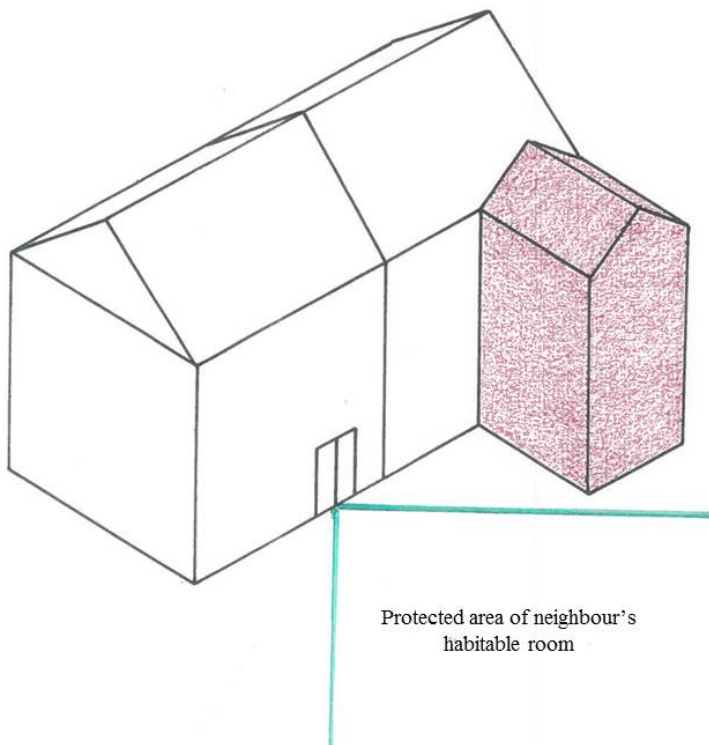
2.4.1 The sense of living in a reasonably open environment.

2.4.2 Unreasonably conspicuous (or “overbearing”) extensions and outbuildings can create a sense of confinement in neighbours’ homes and gardens. A development may be unreasonably conspicuous on account of its size, massing, location, proximity to a boundary, et cetera (see the following diagrams).



- * Too deep.
- * Too close to shared boundary.
- * Projects into protected area of neighbour's habitable room.
- * Reduces neighbour's perceived space.

Figure 1: Unacceptable two-storey rear extension



- ✓ Appropriate depth.
- ✓ Set in from shared boundary.
- ✓ Outside protected area of neighbour's habitable room.
- ✓ Respects neighbour's perceived space.

Figure 2: Acceptable two-storey rear extension

2.5 Protected window

2.5.1 An opening (that is, a door or a window) that serves a habitable room in a dwelling.

Note:

A house with a rear extension such as a conservatory whereby it is predominantly glazed, may retain a door or a window in its original rear elevation. If such an extension has an opaque roof (i.e. does not let light through), the Council will treat the rearmost opening (that is, the door or window in the extension) as the protected window. If, however, the conservatory has a transparent roof that does not significantly prejudice light to original openings, the Council may decide to treat these original rear openings as the protected windows

Note:

These terms are provided only for the purposes of this supplementary planning guidance. In no way do they alter or supersede similar terms in planning legislation or national policy documents.

3.0 POLICY & LEGISLATION CONTEXT

3.1 Legislation

3.1.1 **The Planning (Wales) Act (2015)** enables the creation of an efficient planning process that ensures the right development is located in the right place. This is done through adherence with the Well-being of future generations Acts (see below) to ensure that we plan and manage our resources in an engaged and sustainable way. There is greater emphasis on development engagement at the pre-application stage. This approach will help ensure issues such as design and amenity are considered at the earliest stage.

3.1.2 **The Well-being of Future Generations (Wales) Act (2015)** is about improving the social, economic and cultural well-being of Wales. The Act ensure that local authorities deliver sustainable development by considering long term effects as well as encouraging a more joined up approach. The Well-being of Future Generations Act put in place seven well-being goals to help ensure that public bodies are all working towards the same vision of a sustainable Wales.

3.2 National Policy

3.2.1 *Planning Policy Wales (Edition 10, December 2018)*

This document sets out the land-use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs). Procedural advice is given in circulars and policy clarification letters.

3.2.2 An overarching objective of PPW is the need for planning to take an active and positive role in placemaking¹. This approach is even to be taken at the householder scale, paragraph 2.7 states; Placemaking in development decisions happens at all levels and

¹ The definition of placemaking here is ‘a holistic approach to the planning and design of development and spaces, focused on positive outcomes. It draws upon an area’s potential to create high quality development and public spaces that promote people’s prosperity, health, happiness, and well being in the widest sense. Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place. Placemaking should not add additional cost to a development, but will require smart, multi-dimensional and innovative thinking to implement and should be considered at the earliest possible stage. Placemaking adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into planning decisions.

involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people.

3.2.3 Paragraphs 1.1.8 & 1.1.9 also states:

It is not the function of the planning system to interfere with or inhibit competition between users of and investors in land. It should not discriminate against or favour any particular group or members of society. In taking planning decisions the planning authority must clearly state the reasons for the decision. Those proposing development also have a responsibility to provide sufficient information to enable the decision maker to make an informed judgement on whether the proposed development is sustainable (i.e. contributes to social, economic, environmental and cultural well-being).

3.2.4 *Technical Advice Note 12: Design (2016)*

Paragraph 1.6 states the following:

The purpose of this TAN is to equip all those involved in the design of development with advice on how ‘Promoting sustainability through good design’ and ‘Planning for sustainable building’ may be facilitated through the planning system.

3.2.5 Paragraph 2.2 states the following:

“The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales — from householder extensions to new mixed use communities.”

3.3 Local policy

3.3.1 *Newport Local Development Plan 2011 – 2026 (Adopted Plan, January 2015)*

Policy GP2 (General Amenity) states the following:

“Development will be permitted where, as applicable:

- i. There will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality;
- ii. The proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;
- iii. The proposal seeks to design out the opportunity for crime and antisocial behaviour;
- iv. The proposal promotes inclusive design both for the built development and access within and around the development;
- v. Adequate amenity for future occupiers.”

3.3.2 Policy GP6 (Quality of Design) states the following:

“Good quality design will be sought in all forms of development. The aim is to create a safe, accessible, attractive and convenient environment. In considering development proposals the following fundamental design principles should be addressed:

- i. Context of the site: all development should be sensitive to the unique qualities of the site and respond positively to the character of the area;
- ii. Access, permeability and layout: all development should maintain a high level of pedestrian access, connectivity and laid out so as to minimise noise pollution;
- iii. Preservation and enhancement: where possible development should reflect the character of the locality but avoid the inappropriate replication of neighbouring architectural styles. The designer is encouraged to display creativity and innovation in design;
- iv. Scale and form of development: new development should appropriately reflect the scale of adjacent townscape. Care should be taken to avoid over-scaled development;

- v. Materials and detailing: high quality, durable and preferably renewable materials should be used to complement the site context. Detailing should be incorporated as an integral part of the design at an early stage;
- vi. Sustainability: new development should be inherently robust, energy and water efficient, flood resilient and adaptable, thereby facilitating the flexible re-use of the building. Where existing buildings are present, imaginative and sensitive solutions should be sought to achieve the re-use of the buildings.”

3.3.3 Policy H2 (Housing Standards) states the following:

“Residential development should be built to high standards of environmental and sustainable design, taking into account the whole life of the dwelling.”

Excerpt of supporting text:

“Residential development of all types, whether new development, redevelopment, conversions, extensions or changes of use, should be carried out in as sustainable way as possible, to reduce the impact on the environment both of the construction and subsequent use of the dwelling.”

4.0 GENERAL PRINCIPLES AND CONSIDERATIONS

4.1 Overview

4.1.1 House extensions and outbuildings (including detached annexes) can have a profound effect on the built environment and people's quality of life. When considering such proposals, Newport City Council has a responsibility to secure high-quality development that maintains adequate natural light, privacy and perceived space for neighbours. By setting out the principles of good design, this guidance is intended to help those who wish to extend their homes. It expands on the Newport Local Development Plan 2011 – 2026 (Adopted Plan, January 2015) and provides a number of guidelines against which all proposals for house extensions and outbuildings will be assessed.

4.2 Flats, bedsits and houses in multiple occupation (HMOs)

4.2.1 Permitted-development rights do not apply to flats, bedsits or HMOs. Any alterations that materially affect the external appearance of buildings that contain such units will require planning permission. Extensions to buildings containing flats, bedsits or HMOs will be assessed against the same guidance notes as traditional house extensions.

4.3 Conservatories and orangeries

4.3.1 Conservatories, orangeries and most other structures attached to a dwelling constitute extensions for planning purposes.

4.4 Removal of permitted-development rights

4.4.1 Sometimes, when it grants planning permission for the erection of a new house, the council decides to remove permitted-development rights relating to extensions. Householders are advised to check the planning history of their properties before commencing development.

4.5 Wider use of the guidance

- 4.5.1 Newport City Council recommends that all house extensions be built in accordance with this guidance. Residential development that incorporates the principles of good design will improve the built environment and people's quality of life.

4.6 Neighbourly considerations

- 4.6.1 The erection of a house extension may affect neighbours and visitors to the local area in a number of ways. For instance, building works often generate noise, dirt, dust and additional traffic, and plant and building materials may restrict the flow of traffic on public highways. Before commencing development, therefore, developers should consider how they might minimise the impact of the building process on people and the environment.

4.7 Quality of life

- 4.7.1 Insensitively designed house extensions can substantially reduce natural light, privacy and perceived space in neighbours' homes and gardens. Proposals should, therefore, comply with the guidance notes in sections 5.9, 5.10 and 5.11.

4.8 Alterations to listed buildings

- 4.8.1 Listed-building consent may be required for both internal and external alterations to a listed building. Bearing in mind that it is a criminal offence to carry out unauthorised works to a listed building, the council recommends that developers seek guidance from the Historic Buildings Conservation Officer before submitting an application and certainly before undertaking any works.

- 4.8.2 The council, when considering whether to grant planning permission for development that affects a listed building, has a statutory duty to "have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest that the building possesses" (Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990). Planning Policy Wales (Edition 10,

December 2018) states that there should be a ‘There should be a general presumption in favour of the preservation or enhancement of a listed building and its setting, which might extend beyond its curtilage.’ (para. 6.1.10).

4.9 Alterations to buildings within conservation areas

4.9.1 Newport contains 15 conservation areas, the details of which may be found on the councils’ website. Permitted-development rights are curtailed in all conservation areas, but some rights are removed entirely from areas in which Article 4(2) Directions have been issued.

4.9.2 When assessing a development proposal in a conservation area, the council has a duty to pay special attention to the “desirability of preserving or enhancing the character and appearance of [a conservation] area” (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990). In every submission, therefore, the applicant should indicate precisely how the proposed development would appear in the context of its surroundings.

4.10 Legal and statutory requirements

4.10.1 It is recommended that developers consider all of the legal and statutory requirements that might affect their proposals. Of particular relevance are the Party Wall etc. Act 1996, the Countryside Act, details of property ownership, rights of land and listed-building consent.

4.11 Building regulations

4.11.1 Many forms of development (including house extensions and flat conversions) will require building-regulations approval. Advice and application forms can be obtained from the Building Control section of the Newport City Council website.

4.12 Necessary consents and certificates

4.12.1 Those who undertake development (including house extensions and flat conversions) without the necessary consents may find it difficult to sell their properties in the future. They will not, for instance, be able to provide prospective buyers (or their representatives) with copies of certificates.

4.13 Enforcement

4.13.1 Newport City Council may take enforcement action against (and, if necessary, prosecute) those who commence development without having obtained the necessary permission.

4.14 Lawful Development Certificates

4.14.1 A householder may apply for a Lawful Development Certificate (LDC) in respect of existing or proposed development. Existing development that either does not require planning permission (it may constitute permitted development, for instance) or was completed at least four years ago will be eligible for an LDC. Proposed development will be eligible for an LDC only if it constitutes permitted development, the limits of which are currently defined in the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013.

Note:

At any time, the Welsh Government may exercise its right to amend the General Permitted Development Order.

4.15 Wildlife

4.15.1 Dwellings, as well as their outbuildings and curtilages, may support protected species that are material to planning decisions, such as bats, barn owls, swallows and house martins. The Wildlife and Development SPG outlines a range of potential considerations in planning proposals. Further advice may be found via the Natural Resources website (<http://naturalresources.wales>).

5.0 GUIDANCE NOTES

5.1 General

5.1.1 HEDO 1.1 (Conservation areas)

Planning applications that relate to properties in conservation areas should indicate precisely how the proposed development would appear in the context of its surroundings.

5.1.2 HEDO 1.2 (Listed buildings)

Applications for listed-building consent should contain details of all proposed internal and external works.

5.1.3 HEDO 1.3 (Extension and effect on existing building and streetscape)

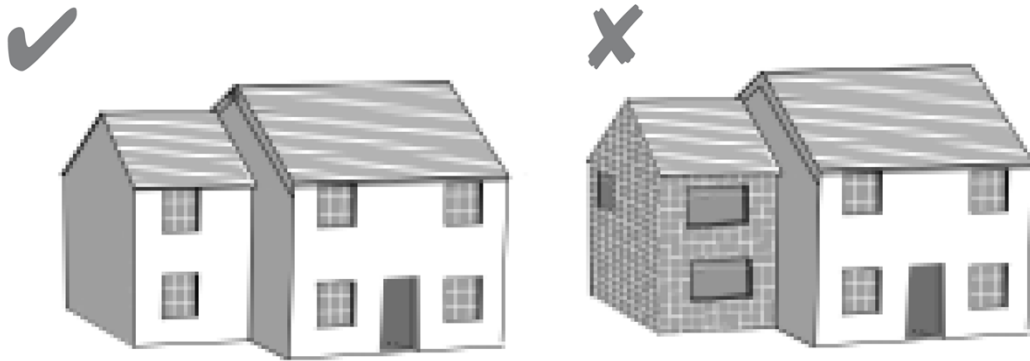
A house extension (or a domestic outbuilding) should relate sympathetically to the existing building and the surrounding area.

Note:

The council will pay particular attention to scale, massing, proportions, architectural detailing, etc.

5.1.4 HEDO 1.4 (External materials)

In all but exceptional circumstances, the external materials of an extension should be consistent with those of the existing building.



Materials used in the construction of any extension should complement those used in the existing property. New windows should also reflect those in the original house in terms of design, positioning and size. Conflicting materials can lead to an unattractive appearance (above right).

Figure 3: External materials of extensions

5.1.5 *HEDO 1.5 (Replication of roof form)*

In general, an extension should adopt the roof form of the existing building, replicating its pitch and architectural detailing (including external materials).

5.1.6 *HEDO 1.6 (Fenestration)*

The fenestration in an extension should replicate the proportions and details of doors, windows and skylights in the existing building.

5.1.7 *HEDO 1.7 (Fenestration-to-elevation ratio)*

An extension should replicate the fenestration-to-elevation ratio of the existing building.

5.1.8 *HEDO 1.8 (Adequate levels of natural light, privacy and perceived space)*

A house extension (or a domestic outbuilding) should not substantially reduce natural light (whether direct or diffuse), privacy or perceived space in neighbours' habitable rooms and back gardens.

5.1.9 *HEDO 1.9 (Adequate amenity space)*

A house extension (or a domestic outbuilding) should preserve adequate amenity space for existing and future occupiers of the application property.

5.1.10 *HEDO 1.10 (Adequate off-street parking)*

A house extension (or a domestic outbuilding) should preserve adequate off-street car parking within residential curtilages.

5.2 Rear extensions

5.2.1 Wherever possible, extensions should be built on the rear or least important elevations of properties. The size and form of every extension should be appropriate to the main building and the space around it.

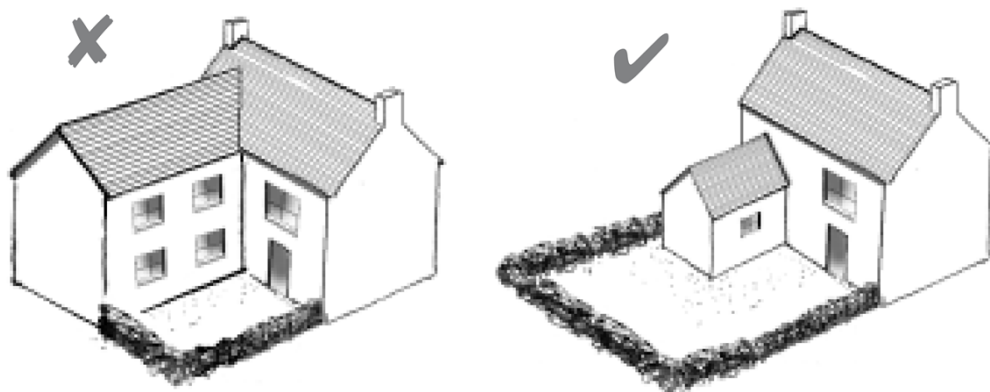


Figure 4: Size and form of a rear extension

5.2.2 In most cases, two-storey rear extensions should not be more than 3.00 metres deep, but each application will be considered on its own merits. Single-storey extensions may be constructed on side boundaries in certain circumstances (for example, at terraced houses), but householders will need some space in which to undertake maintenance. Eaves and guttering, moreover, should not project into a neighbour's property.

5.3 Side extensions

5.3.1 Insensitively designed side extensions harm the townscape in two important ways. First, as well as distorting the front elevations of individual houses, they eliminate lines of symmetry in pairs of semi-detached houses and small terraces. Second, they fill spaces between buildings, changing the pattern of development in an area. Such spaces are valuable because they create a visual rhythm of solids and voids. In so doing, they help to punctuate the built environment, preserving a sense of light and space at street level. Over time, development that fills these gaps may result in widespread terracing, to the detriment of public and private visual amenity. In general, therefore, the council recommends that a side extension be set in at least one metre from the side property boundary.



Figure 5: Size and form of a side extension



Side extensions should avoid substantially infilling the space between a property and its neighbour.

Figure 6: Side extensions filling gaps between properties

5.3.2 At the time of writing, a side extension that constitutes permitted development may be flush with the front elevation of a house. In most cases, however, a side extension that requires planning permission owing to its height or width should be set back at least one metre from the front elevation of the original building, ensuring it is subordinate to the host building. Such a setback will reduce the visual impact of an extension, helping to maintain the character and appearance of both the original dwelling and the streetscape.

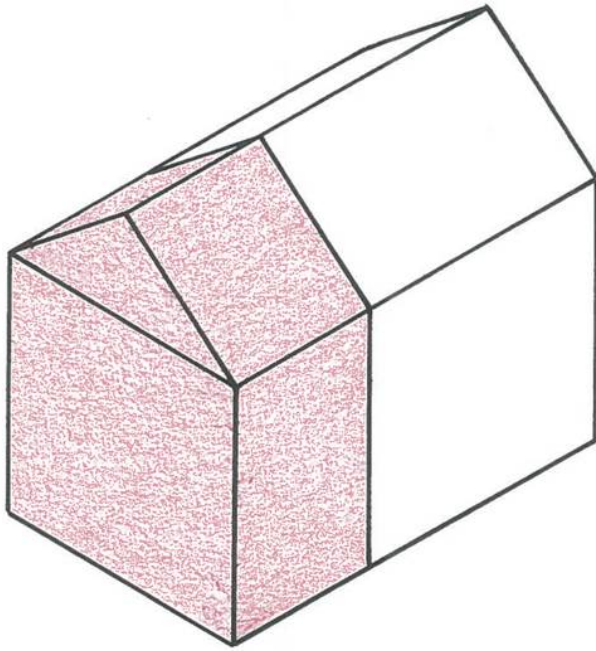
5.3.3 A side extension at a house that occupies a corner plot should be set back from each established building line. Such setbacks will prevent undesirable “tunnelling”, which reduces the sense of light and space in the streetscape (see Figure 9 on page 22).

5.3.4 *HEDO 2.1 (Setback of at least one metre)*

A two-storey side extension (or a first-floor side extension above an existing ground-floor section) should be set back at least one metre from the original front elevation of the existing building.

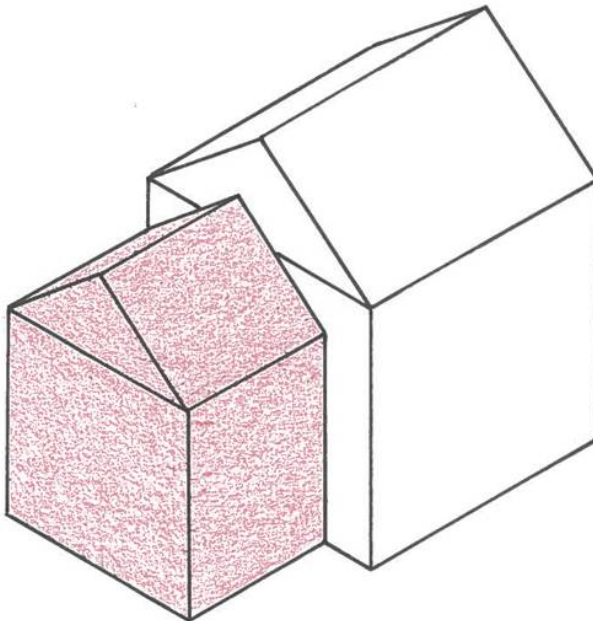
Note:

The original front elevation will not include architectural features such as bay windows or a porch.



- * Not set back from front building line of house.
- * Not set down from roof of house.

Figure 7: Unacceptable two-storey side extension



- ✓ Set back from front building line of house.
- ✓ Set down from roof of house.

Figure 8: Acceptable two-storey side extension

5.3.5 HEDO 2.2 (*Extensions at corner properties*)

A side extension to a house that occupies a corner plot should not breach the established building lines in the streetscape.

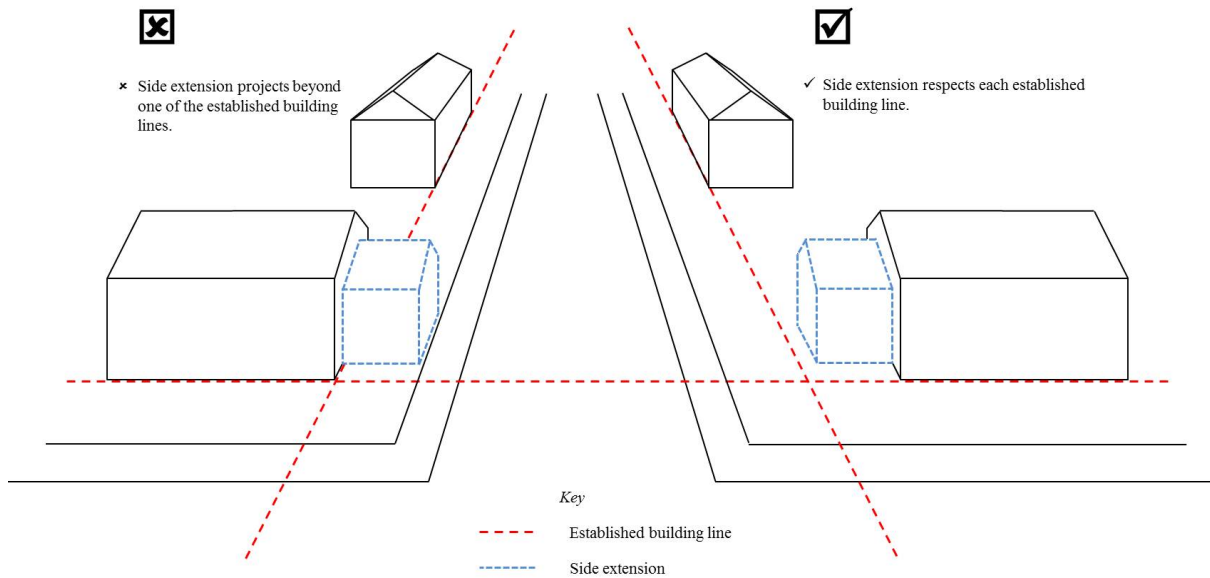


Figure 9: Acceptable and unacceptable side extensions at corner buildings

5.4 Porches and front extensions

5.4.1 Porches

Within certain limits, householders may exercise their permitted-development rights and build porches without planning permission. Porches that exceed these limits will require permission from the council.

5.4.2 HEDO 3.1 (Porches)

A porch should relate sympathetically to the existing building and the streetscape by virtue of its size, design and materials.

5.4.3 Front extensions

Front extensions, as distinct from porches, are unacceptable in principle because they tend to be very prominent in a streetscape. Only rarely will the council consider allowing proposals of this nature.

5.4.4 HEDO 3.2 (Front extensions)

A front extension, as distinct from a porch, will be considered for approval only if it would restore symmetry to a pair of semi-detached houses and/or occupy a streetscape that lacks regular front building lines and architectural consistency.



Figure 10: Acceptable and unacceptable front extensions

5.5 Raised amenity spaces (decks, balconies, patios and roof terraces)

5.5.1 In common with any other extension, a raised amenity space should relate sympathetically to the existing building and the streetscape by virtue of its size, design and materials. A raised amenity space that substantially reduces natural light, perceived space or privacy in neighbouring habitable rooms or back gardens will not be acceptable.

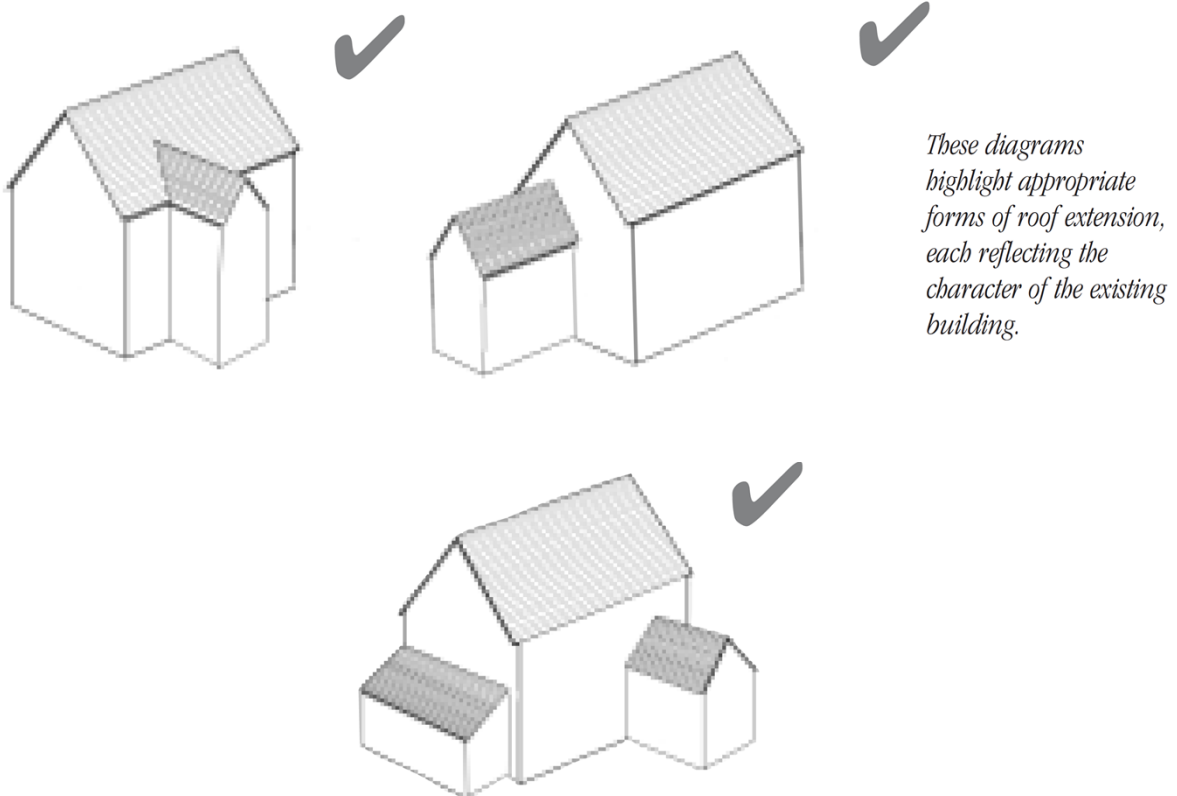
5.5.2 In some cases, privacy screens can reduce the degree of overlooking that neighbours experience in their homes and gardens. They should be large enough to prevent a material loss of privacy yet small enough not to render a structure obtrusive or unsightly. In general, translucent screens and trellis panels are preferable to opaque screens and solid fencing. Ill-designed proposals, no matter how well they protect neighbours' privacy levels, will not be acceptable.

5.5.3 HEDO 4.1 (Raised amenity spaces and neighbouring protected windows)

A raised amenity space that substantially reduces natural light, perceived space or privacy in neighbouring habitable rooms or back gardens will not be acceptable.

5.6 Roof form

5.6.1 Roof form is an important factor in achieving a visually acceptable extension. Buildings that mix pitched and flat roofs, for instance, will lack unity. In order to achieve a coherent form of development, an extension should adopt the roof form of its parent building, replicating its pitch and architectural detailing (including external materials).



Examples of inappropriate roof extensions are highlighted below.

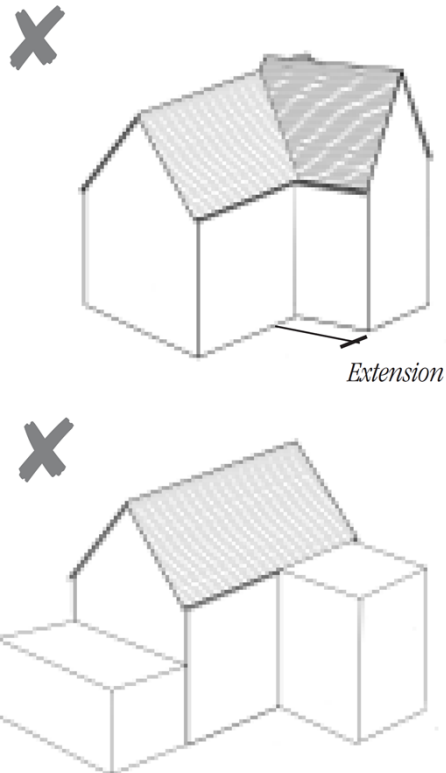


Figure 11: Acceptable and unacceptable roof forms

5.6.2 *HEDO 5.1 (Set-downs for two-storey extensions)*

The roof of a two-storey extension should be set down from the main roof of the existing building it should be set down and clearly subordinate to the main property, see figure 8 for an example. The roof should also complement the host building.

Note:

See Figure 8 on page 21.

5.6.3 *HEDO 5.2 (Retention of roofline features)*

Roofline features, such as party walls, chimney stacks and chimney pots, should be retained wherever possible.

5.7 Roof alterations, roof extensions, skylights/roof windows and dormers

5.7.1 Roof alterations

5.7.2 HEDO 6.1 (Changes to roof form and effecting on existing building)

A proposal that changes the form of a roof (e.g. pitched to mansard) should nevertheless be consistent with the scale and proportions of the existing building.

5.7.3 HEDO 6.2 (Changes to roof form and effect on streetscape)

A proposal that changes the form of a roof should not detract from the character and appearance of the streetscape.

5.7.4 Roof extensions



A large roof extension can have a significant impact on its surroundings.



Figure 12: Unacceptable roof extension

5.7.5 HEDO 6.3 (Roof extensions and adjacent highways)

A roof extension (other than a hip-to-gable extension) that projects beyond the plane of an existing roof slope that faces a highway is unlikely to be acceptable.

5.7.6 Dormers

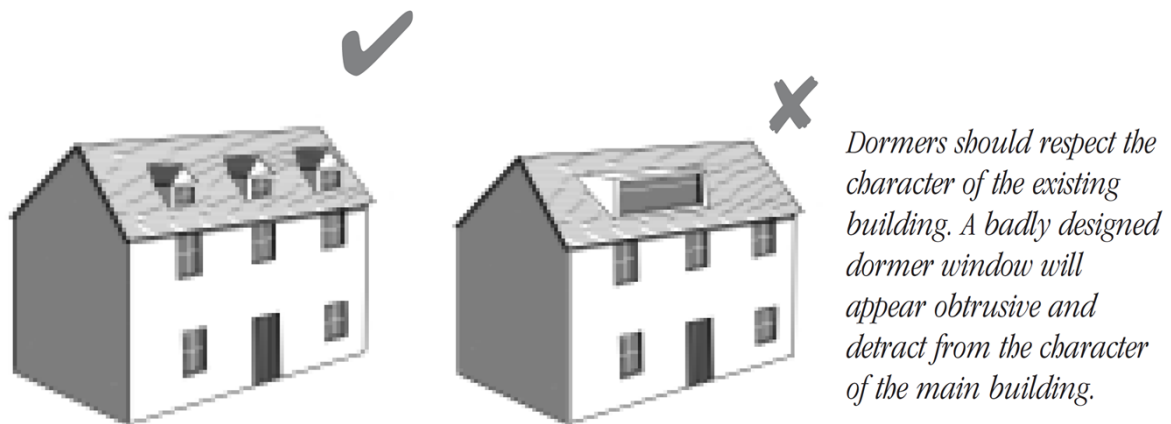


Figure 13: Acceptable and unacceptable dormers

5.7.7 HEDO 6.4 (Dormers with wide flat roofs)

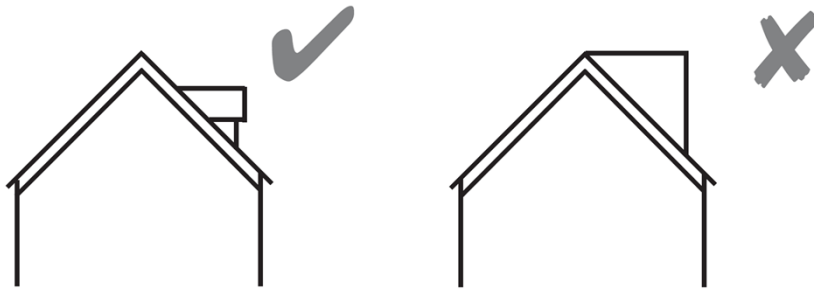
A dormer that has a wide flat roof is unlikely to be acceptable.

5.7.8 HEDO 6.5 (Two narrow dormers preferable to a single wide one)

Two narrow dormers may be preferable to a single wide dormer.

5.7.9 HEDO 6.6 (Setbacks and set-downs for dormers)

A dormer should be set back at least 50.00 centimetres from the eaves of the existing building. It should also be set down at least 50.00 centimetres from the ridge of the existing roof.



Dormers should be set well below the ridgeline of the main roof and set back from the main face of the existing building

Figure 14: Set-downs for dormers

5.7.10 *Skylights and roof windows*

5.7.11 *HEDO 6.7 (Skylights and roof windows)*

Where a roof light is required to the front or other prominent elevation; care should be taken to ensure that its proportions and positioning reflect the style and character of a dwelling, and that it does not look unduly prominent. Flush-fitting roof lights may help to reduce prominence.

5.7.12 *HEDO 6.8 (Low-profile skylights and roof windows in conservation areas)*

In conservation areas the installation of roof lights requires planning permission. Roof lights should be few in number and discreetly positioned so that they are not readily visible from prominent views within the conservation area. They should also be of a 'conservation type' which do not protrude above the plane of the roof. Consideration should also be given to the general arrangement of any roof lights in order to reduce their impact, even if this is limited to private views alone.

5.8 Outbuildings (including detached annexes)

5.8.1 Outbuildings, including detached annexes, can be just as harmful as house extensions to residential amenity and the streetscape. It is essential, therefore, that the council control their size, location and appearance.

Note:

An annexe must contain only essential accommodation that is commensurate with the needs of its user and supplementary to the facilities and accommodation available in the associated dwelling house. It must not, moreover, have its own curtilage, parking area or vehicular access.

5.8.2 *HEDO 7.1 (Outbuildings, back gardens and public visibility)*

An outbuilding should be erected in a back garden and, if possible, out of public sight.

5.9 Loss of privacy

5.9.1 Applicants ought to consider how their proposals might affect their neighbours' privacy in habitable rooms and back gardens. For instance, high-level protected windows in the side elevations of extensions will almost always be unacceptable (see the following drawing).

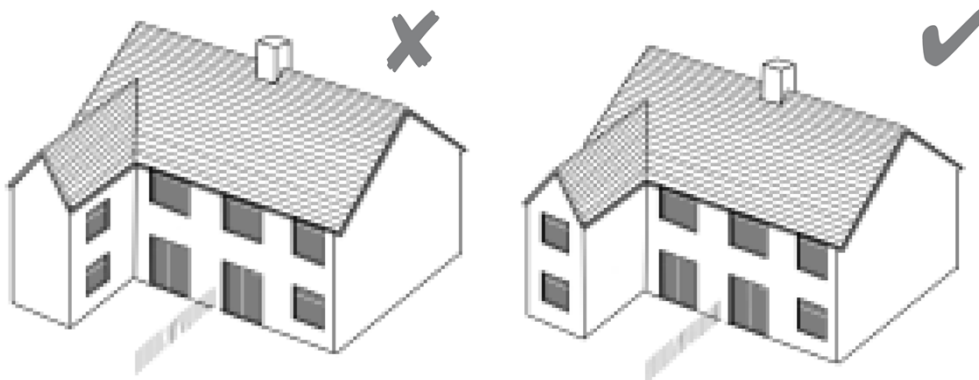


Figure 15: High-level protected windows in side elevations

5.9.2 *HEDO 8.1 (Protected windows and separation distances)*

In order to preserve residents' privacy in their homes, suitable separation distances must exist between new protected windows and the protected windows in neighbouring houses. Windows in an extension must therefore be positioned carefully. Upper storey side windows, which look directly across to your neighbour's property or garden, should generally be avoided and preference will be for their omission. In some cases, alternative designs of windows may mitigate adverse impacts associated with actual and perceived overlooking. The obscure glazing and fixing shut of windows is a last resort and will not be acceptable where they are the only or primary windows to habitable rooms.

Notes:

- i) Protected windows that face one another should be at least 21.00 metres apart (unless separated by permanent structures or evergreen trees protected by Tree Preservation Orders).
- ii) Protected windows that do not allow views to rooms that should be reasonably expected to be private may be less than 21.00 metres apart.

5.9.3 *HEDO 8.2 (Protected windows and adjacent gardens)*

In order to prevent overlooking or perceived overlooking and overbearing effects developments must have a suitable separation distances between new high-level protected windows and adjacent back gardens. In most cases, a back garden should extend at least 10.00 metres from the rear elevation of a house a new high level window in order to protect the amenity of neighbouring gardens.

Note:

When judging whether the distance between a high-level protected window and a neighbouring garden is suitable, the council will consider, amongst other things, the shape, size and layout of the garden and the effects of ground levels, outbuildings and boundary treatments (e.g. hedges and fences).

5.9.4 HEDO 8.3 (*Overbearing Effect on Gardens*)

Development proposals that have a significant overbearing effect on neighbouring garden areas regardless of whether all other tests outlined in this SPG are met will be unacceptable. The Council will give consideration to the characteristics of the affected garden area including its size, orientation, likely usage, topography existing neighbouring development, screening vegetation and any other pertinent consideration when assessing overbearing effect.

5.10 Loss of daylight

5.10.1 There are two types of assessment which consider the potential loss of daylight from new development. There is the 25° test and 45° test the requirement for each is set out below.

5.10.2 The 25° test would be required where it relates to protected windows facing other buildings or relevant structures. In most cases, a proposal that fails the 25° test in relation to a neighbour's protected window will not receive planning permission. Side facing windows are more likely to fail this test because of established layout and a judgement will be made on whether or not a development that fails this test on a side facing protected window has a demonstrable adverse effect on the protected window over and above the existing situation. This will have regard to the relationship of the protected window to existing built development, the built character of the area, its orientation, the presence of other windows serving the same room and any other factors deemed to be material to the assessment of daylight impact on the window.

5.10.3 The 45° test is required where any extension from an existing building line affects a protected window, that is it is required except when the 25° test applies.

5.10.4 *25° test for natural light*

From the horizontal centre of a protected window, at a point two metres above ground level, a notional line is drawn at an angle of 25° to the horizontal. Any development that projects within this line is likely to interfere with the diffuse daylight available to the existing building. In such circumstances, planning permission will be refused in most cases subject to the commentary at para 5.10.2 above.

25° test - Impact of proposed extension

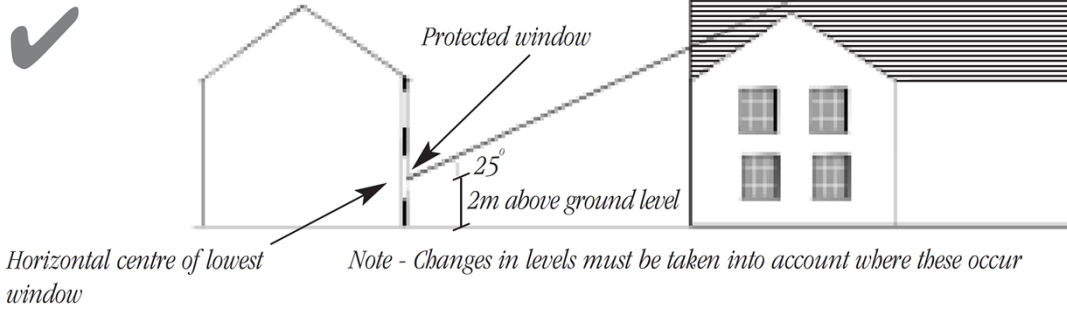


Figure 16: 25° test for natural light

5.10.5 Plan-view 45° test for natural light

This test is performed by drawing two notional lines at 45° angles from the centre of a protected window. The proposed development should not project beyond the nearest 45° line.

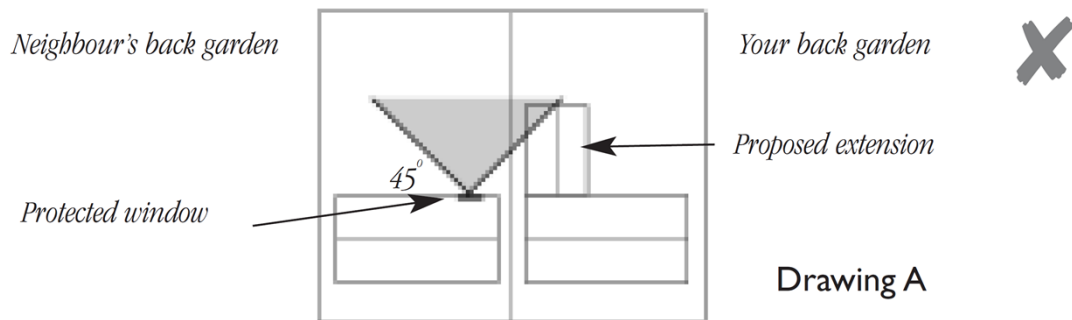


Figure 17: Plan-view 45° test for natural light

5.10.6 Elevation-view 45° test for natural light

For this test, a notional line is drawn from the centre of a protected window at 45° to the horizontal. If the protected “window” is a floor-length window or a door, the 45° line will be taken from a point on the horizontal centre of the opening at 2.00 metres above ground level (see the second illustration below). The proposed development should not project beyond the 45° line.

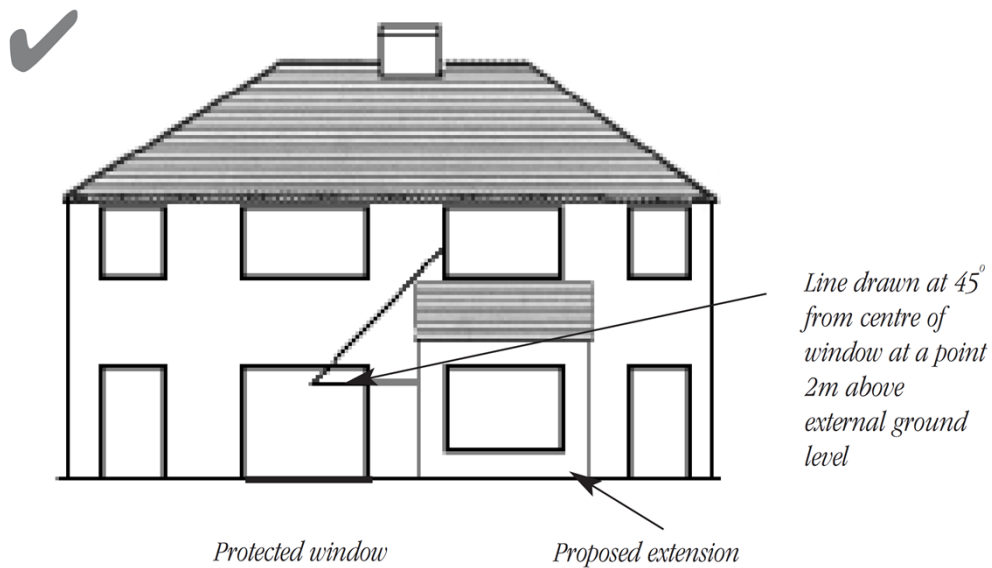
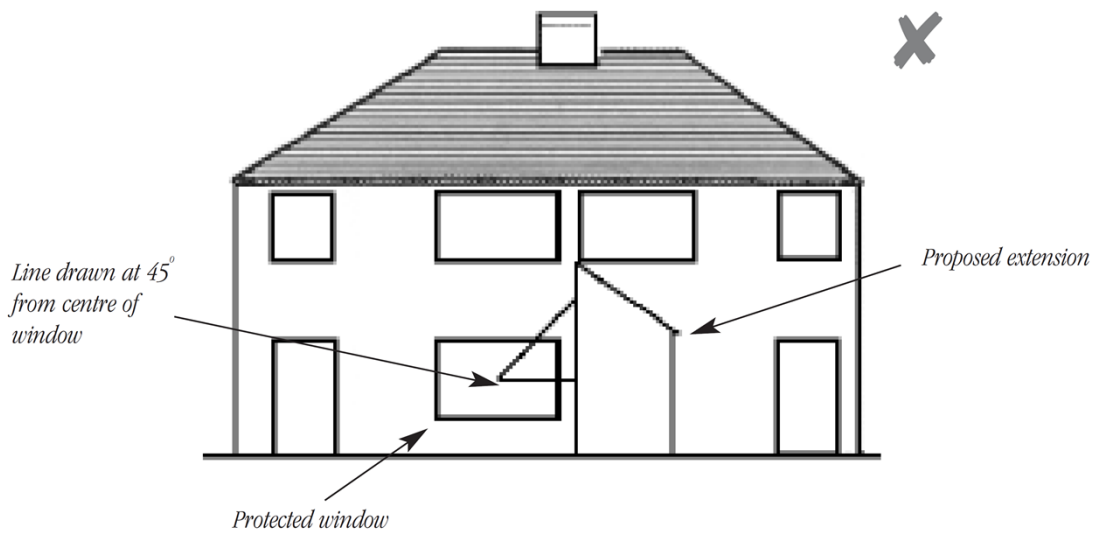


Figure 18: Elevation-view 45° test for natural light

Note:

A house with a rear extension such as a conservatory whereby it is predominantly glazed, may retain a door or a window in its original rear elevation. If such an extension has an opaque roof (i.e. does not let light through), the Council will treat the rearmost opening (that is, the door or window in the extension) as the protected window. If,

however, the conservatory has a transparent roof that does not significantly prejudice light to original openings, the Council may decide to treat these original rear openings as the protected windows

5.10.7 Elevation-view 45° test for natural light (side windows)

Due to the established layout and acceptability that properties can be positioned closer side by side, the 25° test on a side facing protected window is considered to be too strict to satisfy. Therefore, to consider the impact of a proposed development on a protected side window, a 45° test will be applied. The consideration here is not only on the loss of light, but of overbearing as well: see section 5.11 for more detail on this assessment.

5.10.8 For the 45° test, a notional line is drawn from the horizontal centre of an *original* protected side window at 45° to the vertical. Such a window may serve either the ground or the first floor. If the protected “window” is a floor-length window or a door, the 45° line will be taken from a point on the horizontal centre of the opening at 2.00 metres above ground (or, where appropriate, first-floor) level. The proposed development should not project beyond the 45° line.

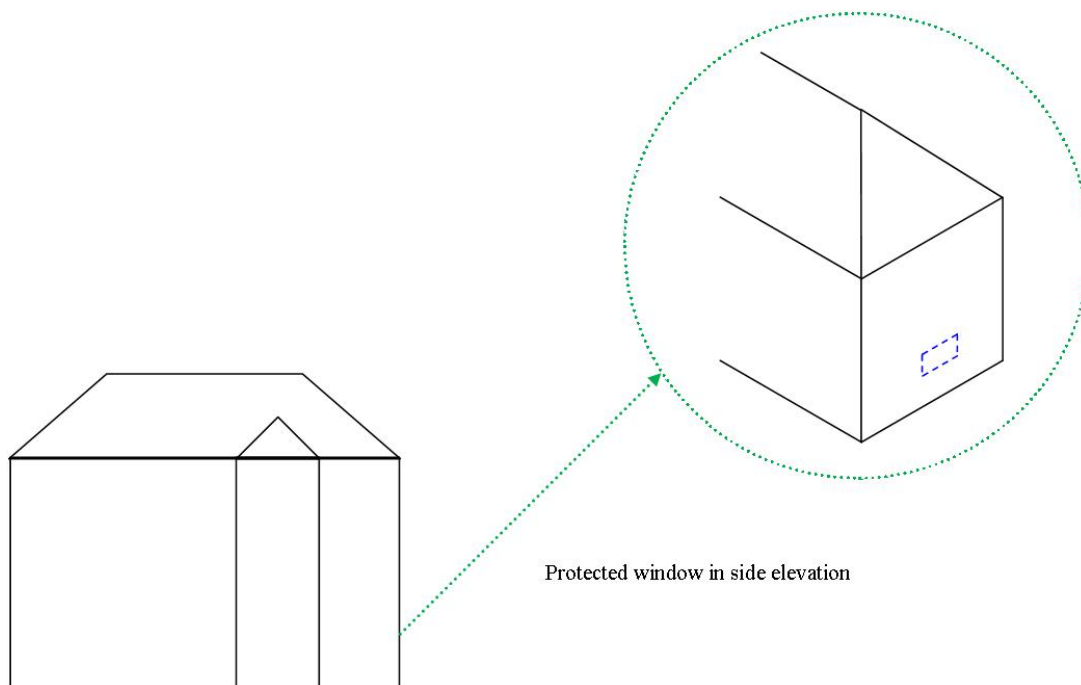


Figure 19: Example of an original protected side window

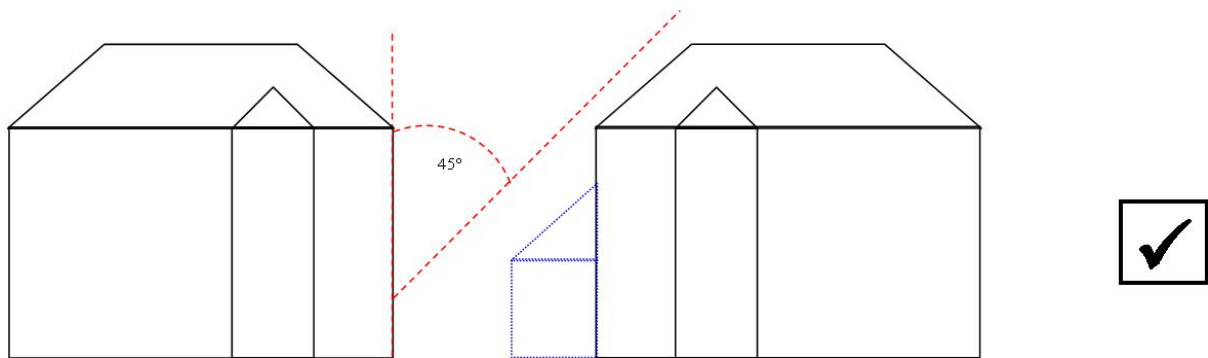


Figure 20: Modest side extension causes no loss of light to neighbour's original protected side window

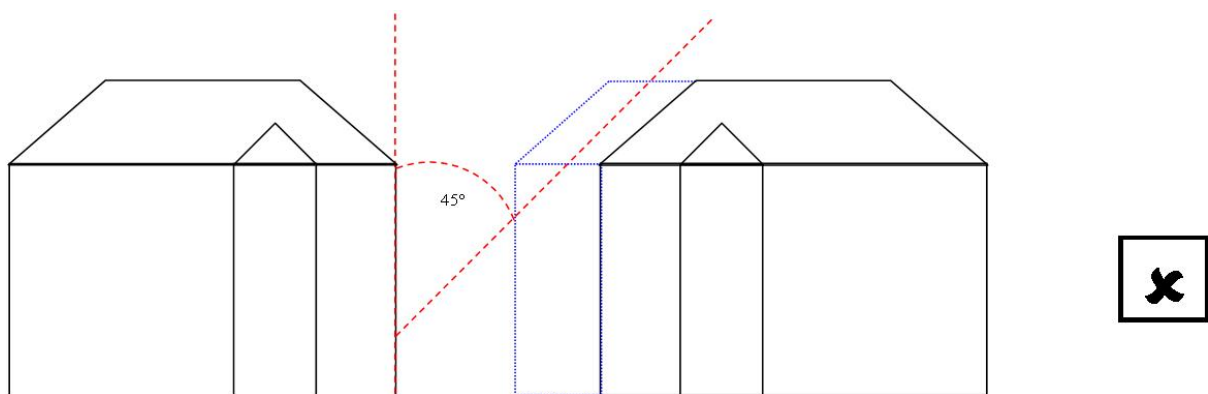


Figure 21: Excessively large side extension causes loss of light to neighbour's original protected side window

5.10.8 *Loss of daylight in back gardens*

The council will seek to maintain adequate levels of natural light in people's back gardens. There is not a specific test for this purpose, but a development proposal that would deprive a neighbouring back garden of a reasonable amount of light, whether diffuse, oblique or direct, is unlikely to be acceptable. When assessing the impact on a neighbour's quality of life, the council will consider a garden's aspect and existing exposure to daylight. For instance, a south-facing garden tends to receive a great deal of direct sunlight between dawn and dusk, whereas a north-facing garden tends to

receive only diffuse and oblique light. Of the two, then, it is the former that is more likely to be overshadowed for long periods by a neighbour's extension or outbuilding.

Note:

For the purposes of this assessment, a dwelling's principal amenity space will be treated as its "back garden".

5.10.9 *HEDO 9.1 (45° tests for natural light)*

An extension or outbuilding that fails two or more of the 45° tests for natural light in relation to a neighbour's protected window is unlikely to be acceptable.

Notes:

- i) A habitable room may contain more than one door or window. So long as one of its openings would continue to provide occupants with adequate natural light, the council may allow a proposal that contravenes the aforementioned guidance note.
- ii) The elevation-view test for natural light (side windows) applies only to original protected windows.

5.10.10 *HEDO 9.2 (25° test for natural light)*

An extension or outbuilding that fails the 25° test for natural light in relation to a neighbour's protected window will be unacceptable in most cases but it is acknowledged that side facing windows will more likely fail this test and other material factors will need to be considered in evaluating impact, see paragraph 5.10.2 for more detail.

Note:

A habitable room may contain more than one door or window. So long as one of its openings would continue to provide occupants with adequate natural light, the council may allow a proposal that contravenes the aforementioned guidance note.

5.11 Loss of perceived space and visual amenity

5.11.1 HEDO 10.1 (Protected windows and blank two-storey elevations)

Development that reduces the distance between a protected window and a blank two-storey elevation to less than 14.00 metres is unlikely to be acceptable.

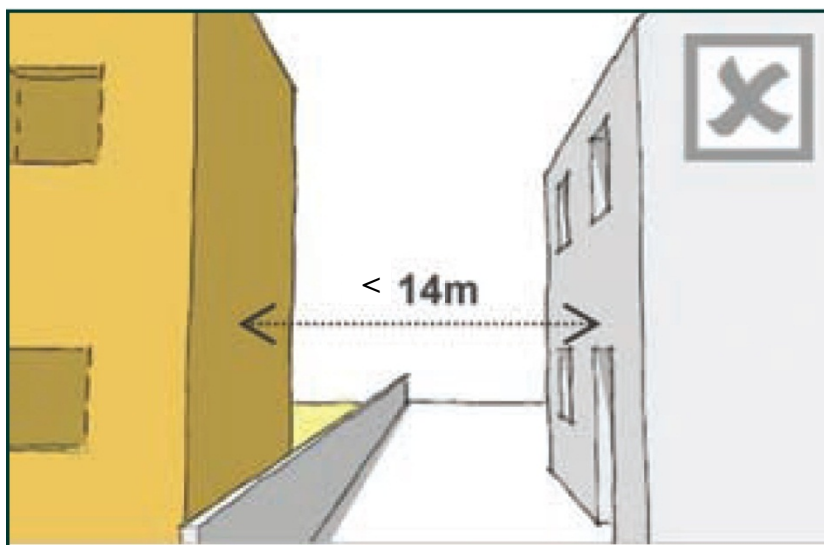
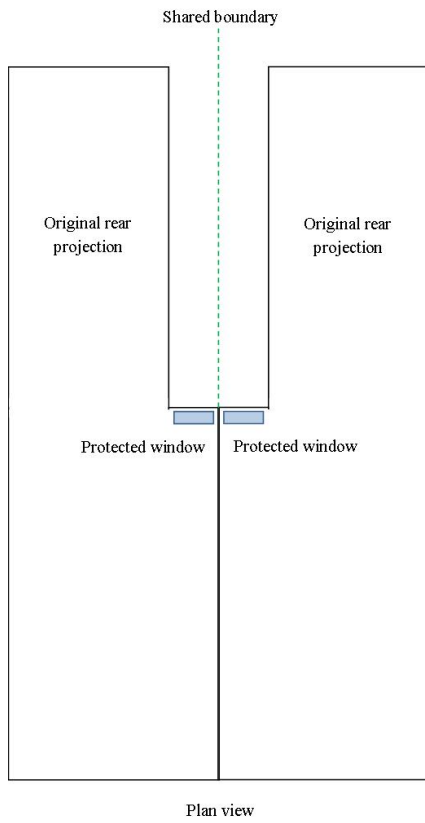


Figure 22: Distance of 14.00 metres between a protected window and a blank two-storey wall

5.11.2 Many traditional terraced houses were built with substantial rear projections. In some cases, these projections are quite close to protected windows (e.g. those serving dining rooms) in neighbouring properties. Even when gaps do exist between rear projections and neighbours' protected windows, it is possible that such layouts, assessed retrospectively, would violate the principles set out in this guidance. Nevertheless, it is clear why some homeowners may be tempted to build infill extensions in these gaps. Should they require planning permission, however, extensions of this nature are unlikely to be acceptable if they would be adjacent to protected windows. In such circumstances, infill extensions are likely to appear unreasonably conspicuous to neighbours, substantially reducing perceived space and diffuse natural light in their habitable rooms (see the following diagrams).



- ✓ Each original rear projection is set in from the shared boundary and the adjoining property's protected window
- ✓ Each occupant has adequate perceived space and diffuse natural light in a habitable room
- ✓ No undesirable "tunnelling" effect on either protected window

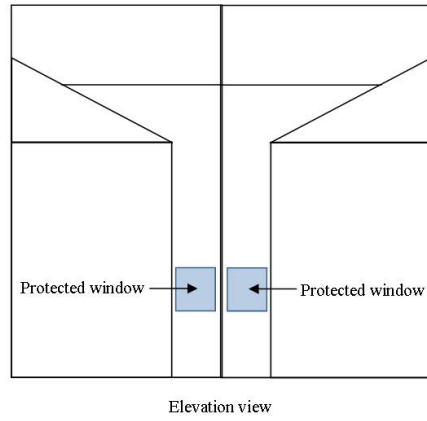


Figure 23: Acceptable relationship between an existing rear projection and a neighbour's protected window

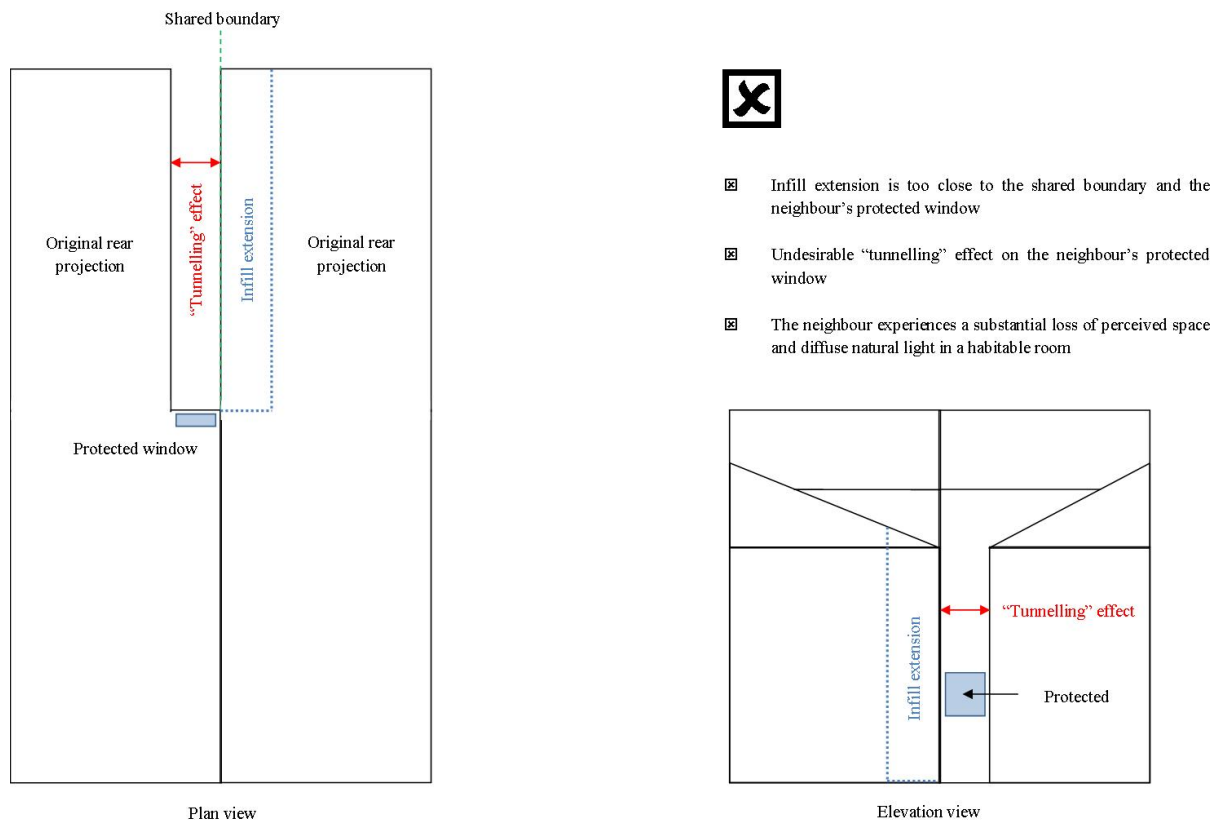


Figure 24: Unacceptable relationship between an infill extension and a neighbour's protected window

5.12 Concluding note

5.12.1 Every application for development requires the council to assess whether any residents would experience a material (that is, substantial and harmful) loss of privacy, natural light or perceived space. No two application sites have identical physical characteristics, however, and very few sites conform to the “textbook” scenarios illustrated in this guidance. The council must, therefore, consider how factors such as orientation, topography and spatial relationships between buildings might accentuate or diminish the impact of a proposal. For instance, a south-facing window receives a great deal of direct sunlight between dawn and dusk, whereas a north-facing window receives only diffuse and, on occasion, oblique light. Of the two, then, it is the former that is more likely to be left in shadow by a neighbour's extension or outbuilding. Lastly, the council must also take into account how development proposals might affect, or be affected by, other proposals that have received planning permission and are likely to be implemented.

6.0 **PARKING**

6.1 *HEDO 11.1 (Parking standards)*

Development proposals should comply with the Newport City Council Parking Standards 2015 (or any supplementary planning guidance that amends or replaces these standards).

Note:

The council favours off-street parking, but schemes that sacrifice entire gardens in order to provide parking spaces will not receive planning permission. Proposals that cannot provide off-street parking and are likely to create or exacerbate on-street parking problems will also be unsuccessful. The council may, however, relax certain requirements if an applicant can demonstrate that a proposal is sufficiently well served by public transport and local services. Planning decisions will also take account of the manner in which buildings are currently used. For instance, even in the absence of off-street parking, the council may grant planning permission if the proposed development would create less demand for parking than the existing use.

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Newport City Council

Supplementary Planning Guidance

NEW DWELLINGS



Draft February 2019



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1.0 INTRODUCTION

1.1 What is supplementary planning guidance (SPG)?

1.1.1 Published as an addition to the Newport Local Development Plan 2011 – 2026 (Adopted Plan, January 2015), supplementary planning guidance provides clear, in-depth advice on a range of planning and development issues. Before it can be adopted, it has to undergo a period of public consultation and then receive the council’s approval. Once adopted, it constitutes a material consideration in the determination of relevant planning applications.

1.2 What is the history of the New Dwellings SPG?

1.2.1 This SPG was formally adopted on 06 August 2015. It has been updated in 2019 to add clarification on points raised in the ongoing use of the guidance.

1.3 Which types of new dwellings does this SPG cover?

1.3.1 This SPG applies to the following:

- i) Infill and backland development (single *and* multiple houses);
- ii) New residential estates; and
- iii) Blocks of flats.

1.4 What is the purpose of this SPG?

1.4.1 This SPG has three main functions:

- i) To ensure that occupants of new dwellings have reasonable living conditions;
- ii) To ensure that new dwellings do not deprive persons in existing dwellings of reasonable living conditions; and

iii) To protect the character and appearance of the natural and built environments.

1.5 Further advice

1.5.1 Further advice may be sought from:

Development Management, Newport City Council, Civic Office, Godfrey Road,
Newport NP20 4UR.

email: planning@newport.gov.uk

Duty Planning Officer: 01633 656656

2.0 TERMINOLOGY

2.1 Backland development

2.1.1 Development on land behind an existing building (or buildings).

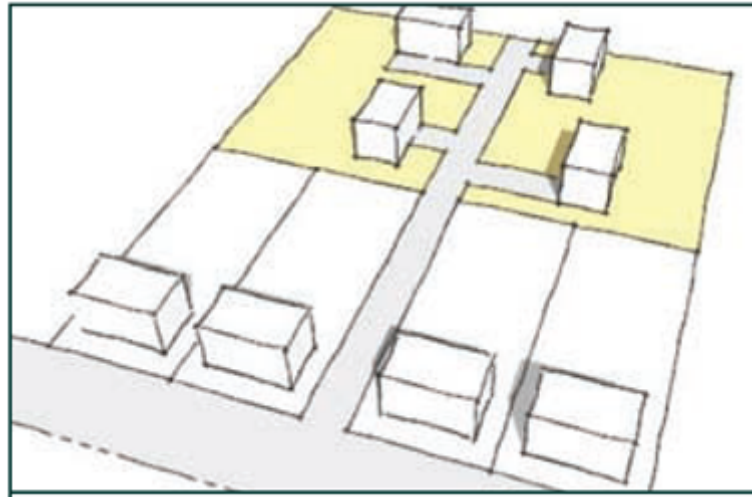


Figure 1: Backland development

2.2 Curtilage

2.2.1 The land that surrounds and serves the main building within a property's boundaries.

2.3 Dwelling

2.3.1 For the purposes of this guidance, both flats and houses are defined as dwellings.

2.4 Habitable room

2.4.1 Any room used or intended to be used for sleeping, living, cooking or eating purposes. Enclosed spaces, such as bath or toilet facilities, service rooms, corridors, laundries, hallways and utility rooms, are excluded from this definition.

2.5 Infill development

2.5.1 The erection of a building between existing buildings or their curtilages.

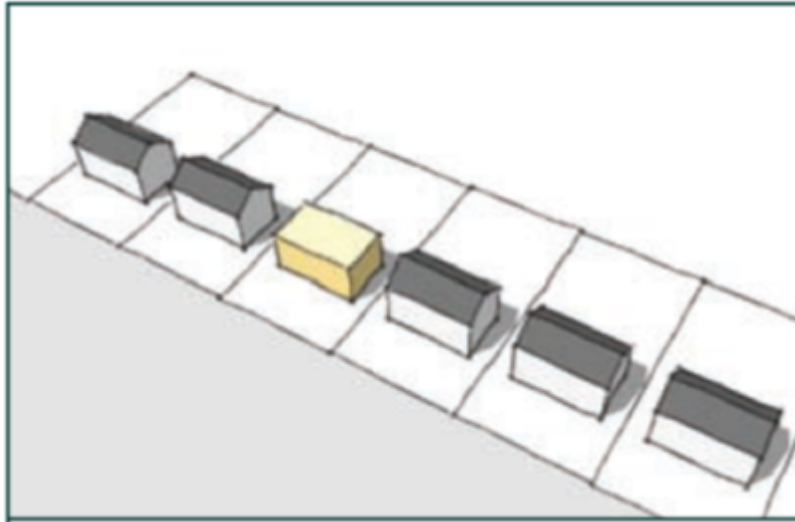


Figure 2: Infill development

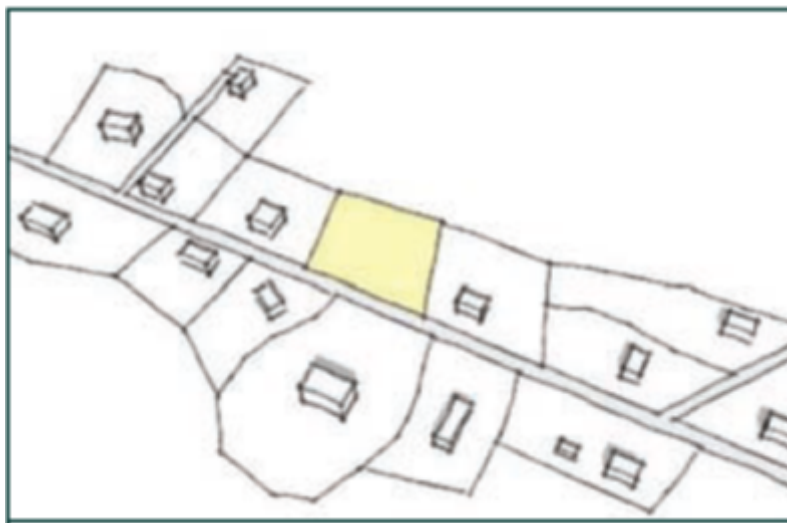


Figure 3: Infill development in a village context

2.6 Perceived space

2.6.1 The sense of living in a reasonably open environment.

2.6.2 Unreasonably conspicuous (or “overbearing”) development can create a sense of confinement not only in neighbours’ homes and gardens, but also in public spaces. A development may be unreasonably conspicuous on account of its size, massing, location, proximity to a boundary, et cetera.

2.7 Protected window

2.7.1 An opening (that is, a door or a window) that serves a habitable room in a dwelling.

Note:

A house with a rear extension such as a conservatory whereby it is predominantly glazed, may retain a door or a window in its original rear elevation. If such an extension has an opaque roof (i.e. does not let light through), the Council will treat the rearmost opening (that is, the door or window in the extension) as the protected window. If, however, the conservatory has a transparent roof that does not significantly prejudice light to original openings, the Council may decide to treat these original rear openings as the protected windows

2.8 Subdivision of a curtilage

2.8.1 The creation of a new curtilage within an existing one.

2.9 Tandem development

2.9.1 A form of backland development that places a new dwelling directly behind an existing one, necessitating a shared vehicular access.

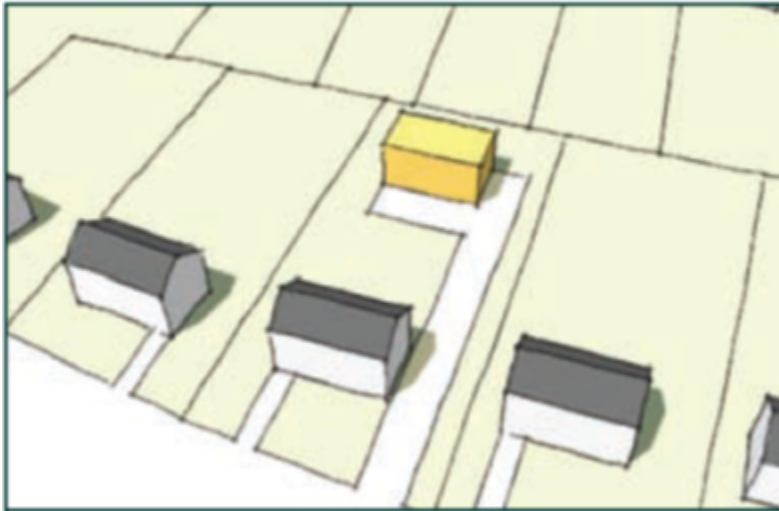


Figure 4: Tandem development

Note:

These terms are provided only for the purposes of this supplementary planning guidance. In no way do they alter or supersede similar terms in planning legislation or national policy documents.

3.0 POLICY & LEGISLATION CONTEXT

3.1 Legislation

3.1.1 **The Planning (Wales) Act (2015)** enables the creation of an efficient planning process that ensures the right development is located in the right place. This is done through adherence with the Well-being of future generations Acts (see below) to ensure that we plan and manage our resources in an engaged and sustainable way. There is greater emphasis on development engagement at the pre-application stage. This approach will help ensure issues such as design and amenity are considered at the earliest stage.

3.1.2 **The Well-being of Future Generations (Wales) Act (2015)** is about improving the social, economic and cultural well-being of Wales. The Act ensure that local authorities deliver sustainable development by considering long term effects as well as encouraging a more joined up approach. The Well-being of Future Generations Act put in place seven well-being goals to help ensure that public bodies are all working towards the same vision of a sustainable Wales.

3.2 National Policy

3.2.1 *Planning Policy Wales (Edition 10, December 2018)*

This document sets out the land-use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs). Procedural advice is given in circulars and policy clarification letters.

3.2.2 An overarching objective of PPW is the need for planning to take an active and positive role in placemaking¹. This approach is even to be taken at the householder scale,

¹ The definition of placemaking here is ‘a holistic approach to the planning and design of development and spaces, focused on positive outcomes. It draws upon an area’s potential to create high quality development and public spaces that promote people’s prosperity, health, happiness, and well being in the widest sense. Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place. Placemaking should not add additional cost to a development, but will require smart, multi-dimensional and innovative thinking to implement and should be considered at the earliest possible stage. Placemaking adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into planning decisions.

paragraph 2.7 states; Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people.

3.2.3 Paragraphs 1.1.8 & 1.1.9 also states:

It is not the function of the planning system to interfere with or inhibit competition between users of and investors in land. It should not discriminate against or favour any particular group or members of society. In taking planning decisions the planning authority must clearly state the reasons for the decision. Those proposing development also have a responsibility to provide sufficient information to enable the decision maker to make an informed judgement on whether the proposed development is sustainable (i.e. contributes to social, economic, environmental and cultural well-being).

3.2.4 National Planning Policy notes that good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area.

3.2.5 In seeking to achieve good design developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution.

3.2.6 In addition, the density, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development. The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.

3.2.7 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities

for people to make sustainable and healthy travel choices for their daily journeys. Site and context analysis should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment. The analysis process will highlight constraints and opportunities presented by existing settlement structure and uses, landscape, biodiversity, water environment, movement, infrastructure, materials and resources, soundscape and built form which will need to be considered when formulating proposals.

3.2.8 It is also useful to note that infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity.

3.1.9 *Technical Advice Note 12: Design (July 2014)*

Paragraph 2.2 states the following:

“The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales — from householder extensions to new mixed use communities.”

3.2.10 *Technical Advice Note 15: Development and Flood Risk (2004)*

This document establishes a precautionary framework for assessing development proposals in flood-prone areas. In certain circumstances, developers may have to submit Flood Consequence Assessments in an attempt to justify their proposals. In especially vulnerable locations, however, even the principle of residential development is unlikely to be acceptable.

3.3 Local policy

3.3.1 *Newport Local Development Plan 2011 – 2026 (Adopted Plan, January 2015)*

Policy CF2 (Outdoor Play Space Requirements) states the following:

“Where development results in the loss of open space or a requirement for open space is demonstrated in conjunction with Policy SP13, provision in accordance with the Fields in Trust standard (or as amended) will be sought. The developer will be required to pay a commuted sum to cover future maintenance.”

3.3.3 Policy GP2 (General Amenity) states the following:

“Development will be permitted where, as applicable:

- i. There will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality;
- ii. The proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;
- iii. The proposal seeks to design out the opportunity for crime and antisocial behaviour;
- iv. The proposal promotes inclusive design both for the built development and access within and around the development;
- v. Adequate amenity for future occupiers.”

3.3.4 Policy H2 (Housing Standards) states the following:

“Residential development should be built to high standards of environmental and sustainable design, taking into account the whole life of the dwelling.”

Excerpt of supporting text:

“Residential development of all types, whether new development, redevelopment, conversions, extensions or changes of use, should be carried out in as sustainable way as possible, to reduce the impact on the environment both of the construction and subsequent use of the dwelling.”

3.3.5 Policy H3 (Housing Mix and Density) states the following:

“Residential development of 10 dwellings or more should be designed to provide a mix of housing to meet a range of needs and should be built at a density of at least 30 dwellings per hectare. A lower density will only be acceptable where it is demonstrated:

- i. Physical or infrastructure constraints prevent the minimum density from being reached;
- ii. The minimum density would have an unacceptable impact on design/character of the surrounding area, or;
- iii. There is a particular lack of choice of housing types within a local community.”

3.3.6 Policy H6 (Sub-division of Curtilages, Infill and Backland Development) states the following:

“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.”

3.3.7 Policy SP1 (Sustainability) states the following:

“Proposals will be required to make a positive contribution to sustainable development by concentrating development in sustainable locations on brownfield land within the settlement boundary. They will be assessed as to their potential contribution to:

- i. The efficient use of land;
- ii. The reuse of previously developed land and empty properties in preference to greenfield sites;
- iii. Providing integrated transportation systems, as well as encouraging the co-location of housing and other uses, including employment, which together will minimise the overall need to travel, reduce car usage and encourage a modal shift to more sustainable modes of transport;

- iv. Reducing energy consumption, increasing energy efficiency and the use of low and zero carbon energy sources;
- v. The minimisation, re-use and recycling of waste;
- vi. Minimising the risk of and from flood risk, sea level rise and the impact of climate change;
- vii. Improving facilities, services and overall social and environmental equality of existing and future communities;
- viii. Encouraging economic diversification and in particular improving the vitality and viability of the city centre and district centres;
- ix. Conserving, enhancing and linking green infrastructure, protecting and enhancing the built and natural environment;
- x. Conserving and ensuring the efficient use of resources such as water and minerals.”

3.3.8 Policy SP3 (Flood Risk) states the following:

“Newport’s coastal and riverside location necessitates that development be directed away from areas where flood risk is identified as a constraint and ensure that the risk of flooding is not increased elsewhere. Development will only be permitted in flood risk areas in accordance with national guidance. Where appropriate a detailed technical assessment will be required to ensure that the development is designed to cope with the threat and consequences of flooding over its lifetime. Sustainable solutions to manage flood risk should be prioritised.”

3.3.9 Policy SP13 (Planning Obligations) states the following:

“Development will be required to help deliver more sustainable communities by providing, or making contributions towards, local and regional infrastructure in proportion to its scale and the sustainability of its location.

This list is not exhaustive, but the following are infrastructure priorities that developers will be expected to provide or contribute to in order to mitigate any negative consequences of development:

- Educational facilities and/or their upgrades;
- Affordable housing;
- Improvements to the highway network, including walking and cycling routes and public transport;
- Outdoor recreation;
- Protection, enhancement and management of the natural, historic and built environments;
- Community facilities and/or their upgrades; and
- Improvements to the public realm.”

4.0 GENERAL PRINCIPLES AND CONSIDERATIONS

4.1 Objectives

4.1.1 The council seeks to secure high-quality development that preserves, or even enhances, residential amenity and the character and appearance of the surrounding area. It will assess proposals against clear design principles in order to prevent cramped and unsightly forms of development.

4.2 Site assembly

4.2.1 It is sometimes possible to assemble land for residential development by merging sections of existing curtilages. Such an arrangement would have to provide acceptable separation distances between dwellings and protected windows (see 5.7.5) in order to receive planning permission.

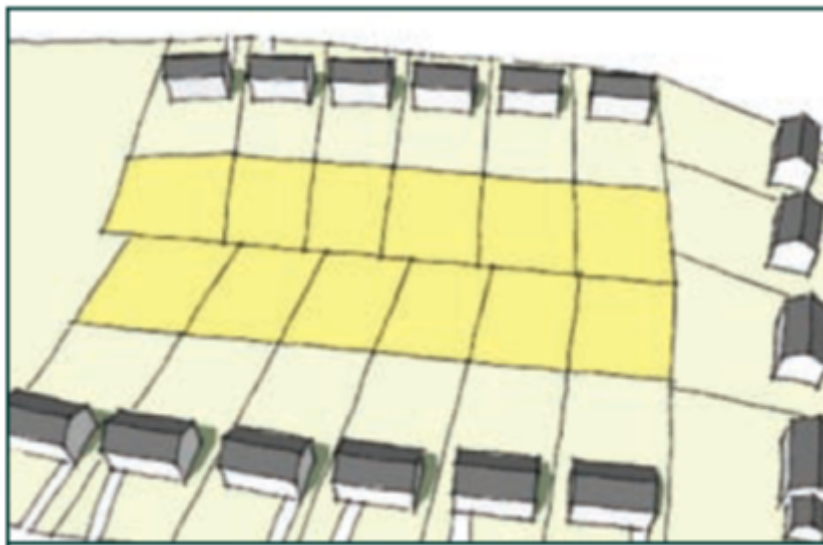


Figure 5: Assembling a site from surrounding gardens

4.3 Development in conservation areas

4.3.1 When assessing a development proposal in a conservation area, the council has a duty to pay special attention to the “desirability of preserving or enhancing the character and appearance of [a conservation] area” (Section 72 of the Planning (Listed Buildings and

Conservation Areas) Act 1990). In every submission, therefore, the applicant must indicate precisely how the proposed development would appear in the context of its surroundings.

4.4 Legal and statutory requirements

4.4.1 It is recommended that developers consider all of the legal and statutory requirements that could affect their proposals. Of particular relevance are the Party Wall etc. Act 1996, the Countryside Act, details of property ownership, rights of land and listed-building consent.

4.5 Building regulations

4.5.1 Many forms of development (including house extensions and flat conversions) will require building-regulations approval. Advice and application forms can be obtained from the Building Control section of the Newport City Council website.

4.6 Necessary consents and certificates

4.6.1 Those who undertake development without the necessary consents may find it difficult to sell their properties in the future. They will not, for instance, be able to provide prospective buyers (or their representatives) with copies of certificates.

4.7 Enforcement

4.7.1 Newport City Council may take enforcement action against (and, if necessary, prosecute) those who commence development without having obtained the necessary permission.

4.8 Wildlife

4.8.1 Developers should identify the ecological implications of their proposals before they submit applications for planning permission. To this end, they may wish to refer to the Wildlife and Development SPG (available on the council's website). It is also

recommended that developers, with the assistance of qualified ecologists, use the Local Record Centre (SEWBRc-South East Wales Biological Records Centre) to determine the presence of designated sites, habitats and protected or priority species on, or adjacent to, the application site. The council will seek formal advice from Natural Resources Wales in respect of European Protected Species and internationally and nationally designated sites.

5.0 GUIDANCE NOTES

5.1 General

5.1.1 ND 1.1 (Conservation areas)

Planning applications that relate to properties in conservation areas must indicate precisely how the proposed development would appear in the context of its surroundings.

5.2 Requirements for private amenity space

5.2.1 ND 2.1 (Private amenity space)

A new dwelling should provide private amenity space in accordance with the following table:

<i>Type of home</i>	<i>No. of beds</i>	<i>Type of amenity space</i>	<i>Desired space</i>
Flat	1	Balcony	1.50 square metres (depth) x 1.50 square metres (width)
Flat	2	Balcony	1.50 square metres (depth) x 2.00 square metres (width)
Flat	3	Balcony	1.50 square metres (depth) x 3.00 square metres (width)
Mews	2+	Private/communal	Private: 1 square metre for every square metre of the unit's footprint Communal: 1 square metre for every square metre of the units' footprints
Terrace	2+	Private	1 square metre for every square metre of the unit's footprint
Semi-detached	2+	Private	1 square metre for every square metre of the unit's footprint
Detached	2+	Private	1 square metre for every square metre of the unit's footprint
Bungalow	2+	Private	1 square metre for every square metre of the unit's footprint

Figure 6: Desired standards for private amenity space

Note:

The council will not recognise land occupied by garages or driveways (or any other functional structures or features) as private amenity space.

5.3 Sustainability

5.3.1 ND 3.1 (Sustainability)

New residential development should occur in locations that are well served by local services and public transport. It should also do the following:

- Conserve energy, materials, water and other resources through design;
- Efficiently reuse land and buildings;
- Ensure that designs make the most of natural systems by using Sustainable Urban Drainage Systems (SUDS), “green” roofs, solar panels, ventilation and natural light;
- Foster and maintain biodiversity;
- Minimise additional noise, pollution, flooding and micro-climatic effects;
- Provide good pedestrian and bicycle links to local facilities and public transport.

5.4 Design

5.4.1 ND 4.1 (New development, neighbouring buildings and the surrounding area)

Without merely imitating existing styles, new residential development should harmonise with neighbouring buildings and the surrounding area.

5.4.2 Developers should pay particular attention to the following aspects of their proposals:

- Architectural features;
- Building footprints;
- Building lines;
- Development density;
- External materials;
- Garden shapes and sizes;

- Height, depth and width of buildings;
- Landscape features;
- Massing;
- Plot sizes;
- Spaces between buildings (the “rhythm” of solids and voids).

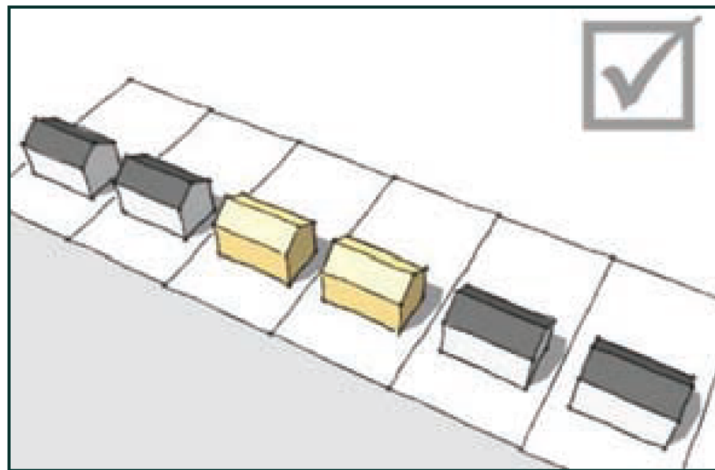


Figure 7: Acceptable form of development (plot size, roof types and massing)

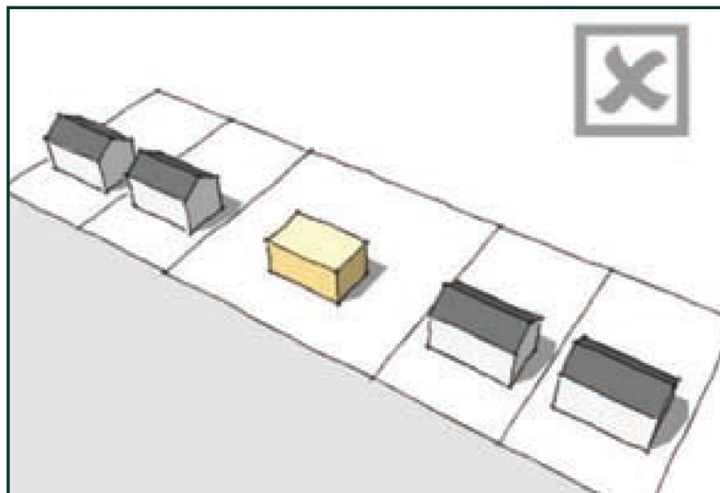


Figure 8: Unacceptable form of development (plot size and roof type)

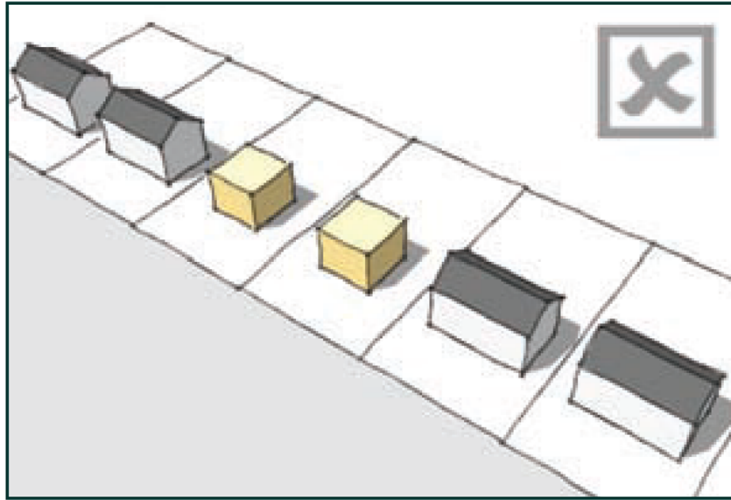


Figure 9: Unacceptable form of development (massing and roof types)

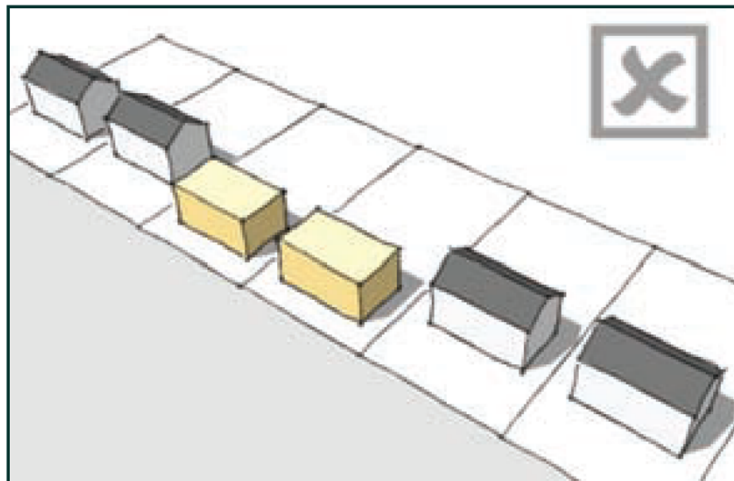


Figure 10: Unacceptable form of development (front building lines and roof types)

5.4.3 *ND 4.2 (Natural light, privacy and perceived space for neighbours)*

New residential development must maintain adequate natural light, privacy and perceived space for the occupants of neighbouring dwellings.

5.4.4 *ND 4.3 (Designing out Crime)*

New residential development should incorporate the principles of “Designing out Crime” in order to minimise the opportunity for crime and antisocial behaviour.

(See www.securedbydesign.com)

5.5 New flats

5.5.1 Rooms in new flats should be arranged and designed in a manner that optimises the living conditions of occupants. For instance, living rooms, kitchens and bedrooms should neither overlook adjoining properties nor face high boundary walls. Living rooms, moreover, should not be next to, directly above or directly below a bedroom in a neighbouring property unless the fabric of the building contains suitable acoustic insulation.

5.5.2 ND 5.1 (Desired requirements for gross internal floor space)

All new dwellings should meet the relevant minimum desired standard for gross internal floor space.

		Flat type		
Beds/bedrooms	<i>Studio</i>	<i>Converted</i>	<i>New</i>	
			Common Access ²	Walk up ³
1	32	45	46	50
2	n/a	58	59	65
3	n/a	74	84	90
4	n/a	86	93	99
		House type		
Beds/bedrooms	<i>New</i>			
2	83			
3	88			
4	110			

Figure 11: Desired minimum standards for gross internal floor space (square metres)

Note:

Gross internal floor space includes circulation space and any space occupied by fixtures, appliances, work surfaces, etc.

A converted house will be expected to meet the standard for a new house unless evidenced that any re-education does not have a detrimental impact on the amenity and functionality of the property.

² Common access is where more than one flat is accessed from a communal entrance.

³ Walk up is where a flat has its own direct access point which is not shared.

If the dwellings proposed are to be affordable housing that are in receipt of social housing grant they will need to meet the relevant DQR standards.

5.5.3 ND 5.2 (*Desired requirements for communal amenity space*)

A new block of flats should provide communal amenity space in accordance with the following table.

No of occupants	Square metres per occupant
1-20	15.00
21-40	14.00
41-60	13.00
61-80	12.00
81-100	11.00
100+	10.00

Figure 12: Desired standards for communal amenity space

Note:

Physical and financial constraints sometimes prevent a development from providing on-site communal amenity space. In such circumstances, the council may seek contributions towards the improvement and/or provision of local public open space (in addition to standard planning contributions).

5.6 New houses

5.6.1 ND 6.1 (*Private amenity space*)

In most cases, the majority of a household's private amenity space should be located at the back of the house.

5.6.2 ND 6.2 (*Back gardens*)

In most cases, a back garden should extend at least 10.00 metres from the rear elevation of a house.

Notes:

- i) Some houses, owing to their design characteristics, lack conventional “rear” elevations. In every such case, the council will identify the “rear” elevation by considering the property’s design, orientation and spatial relationships with neighbouring buildings.
- ii) The 10.00-metre measurement must be taken at the ground floor.

5.6.3 *ND 6.3 (Privacy for occupants)*

Amenity space, be it at the back or the side of a house, must provide adequate privacy for occupants.

5.7 **Loss of privacy**

5.7.1 *ND 7.1 (Protected windows and separation distances)*

In order to ensure that all residents have sufficient privacy in their homes, suitable separation distances must exist between protected windows in existing and proposed dwellings.

Notes:

- i) Protected windows that face one another should be at least 21.00 metres apart (unless separated by permanent structures or evergreen trees protected by Tree Preservation Orders).
- ii) Protected windows that do not allow views to rooms that should be reasonably expected to be private may be less than 21.00 metres apart.

5.7.2 *ND 7.2 (Protected windows and adjacent gardens)*

In order to prevent overlooking or perceived overlooking and overbearing effects developments must have a suitable separation distances between new high-level protected windows and adjacent back gardens. In most cases, a back garden should extend at least 10.00 metres from the rear elevation of a house a new high level window in order to protect the amenity of neighbouring gardens.

Note:

When judging whether the distance between a high-level protected window and a neighbouring garden is suitable, the council will consider, amongst other things, the shape, size and layout of the garden and the effects of ground levels, outbuildings and boundary treatments (e.g. hedges and fences).

5.7.3 ND 7.3 (*Overbearing Effect on Gardens*)

Development proposals that have a significant overbearing effect on neighbouring garden areas regardless of whether all other tests outlined in this SPG are met will be unacceptable. The Council will give consideration to the characteristics of the affected garden area including its size, orientation, likely usage, topography existing neighbouring development, screening vegetation and any other pertinent consideration when assessing overbearing effect.

5.8 Loss of natural light

5.8.1 The following tests help to maintain adequate levels of natural light for neighbours. Proposals should pass each test in relation to neighbours' protected windows.

5.8.2 The 25° test would be required where it relates to protected windows facing other buildings or relevant structures. In most cases, a proposal that fails the 25° test in relation to a neighbour's protected window will not receive planning permission. Side facing windows are more likely to fail this test because of established layout and a judgement will be made on whether or not a development that fails this test on a side facing protected window has a demonstrable adverse effect on the protected window over and above the existing situation. This will have regard to the relationship of the protected window to existing built development, the built character of the area, its orientation, the presence of other windows serving the same room and any other factors deemed to be material to the assessment of daylight impact on the window.

5.8.3 The 45° test is required where any extension from an existing building line affects a protected window, that is it is required except when the 25° test applies.

Note:

A house with a rear extension such as a conservatory whereby it is predominantly glazed, may retain a door or a window in its original rear elevation. If such an extension has an opaque roof (i.e. does not let light through), the Council will treat the rearmost opening (that is, the door or window in the extension) as the protected window. If, however, the conservatory has a transparent roof that does not significantly prejudice light to original openings, the Council may decide to treat these original rear openings as the protected windows

5.8.4 *25° test for natural light*

From the horizontal centre of a protected window, at a point two metres above ground level, a notional line is drawn at an angle of 25° to the horizontal. Any development that projects within this line is likely to interfere with the diffuse daylight available to the existing building. In such circumstances, planning permission will be refused in most cases subject to the commentary at para 5.8.2 above.

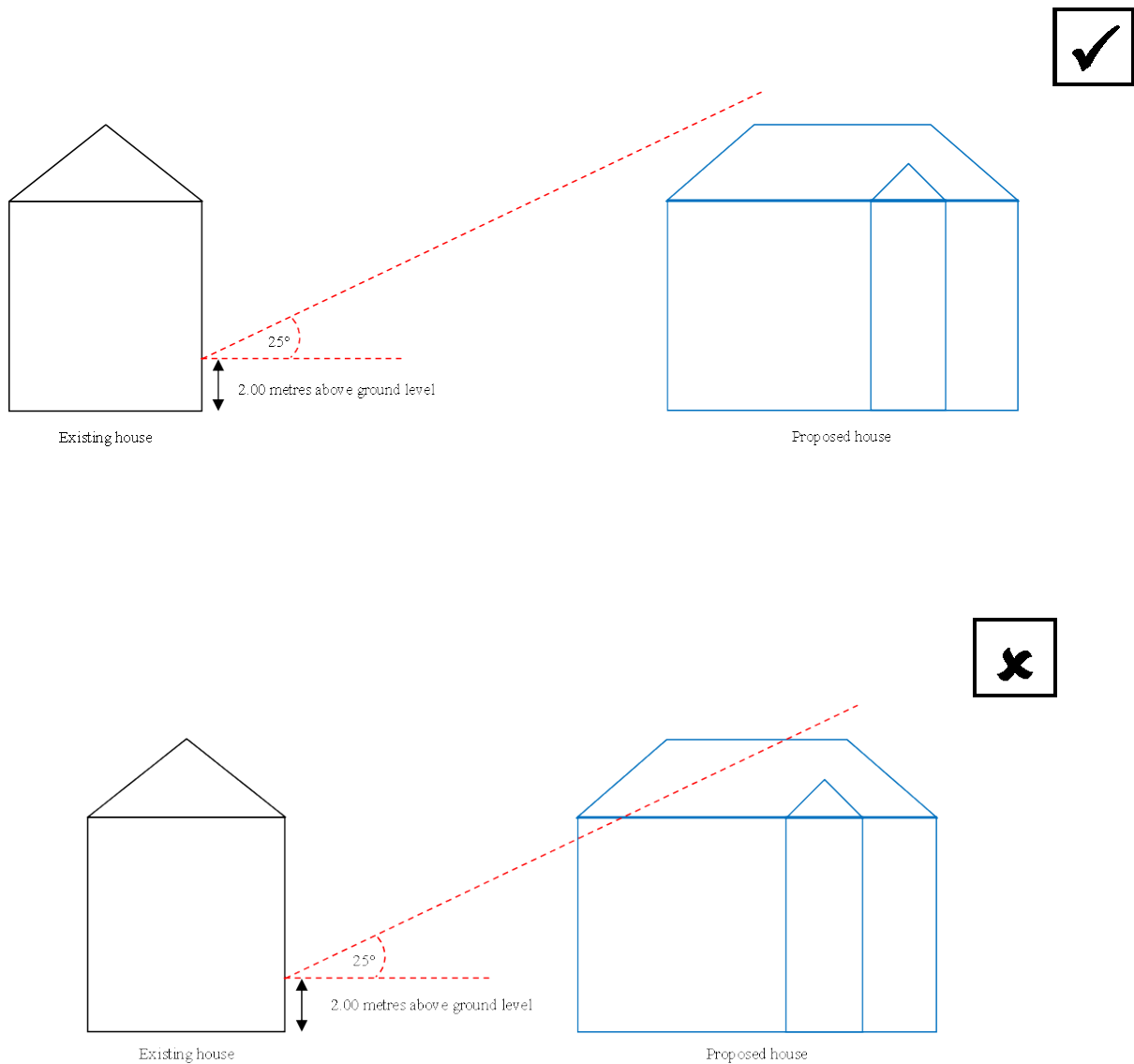


Figure 13: 25° test for natural light (elevations)

5.8.5 Elevation-view 45° test for natural light (side windows)

Due to the established layout and acceptability that properties can be positioned closer side by side, the 25° test on a side facing protected window is considered to be too strict

to satisfy. Therefore, to consider the impact of a proposed development on a protected side window, a 45° test will be applied. The consideration here is not only on the loss of light, but of overbearing as well.

5.8.6 For the 45° test, a notional line is drawn from the horizontal centre of an *original* protected side window at 45° to the vertical. Such a window may serve either the ground or the first floor. If the protected “window” is a floor-length window or a door, the 45° line will be taken from a point on the horizontal centre of the opening at 2.00 metres above ground (or, where appropriate, first-floor) level. The proposed development should not project beyond the 45° line.

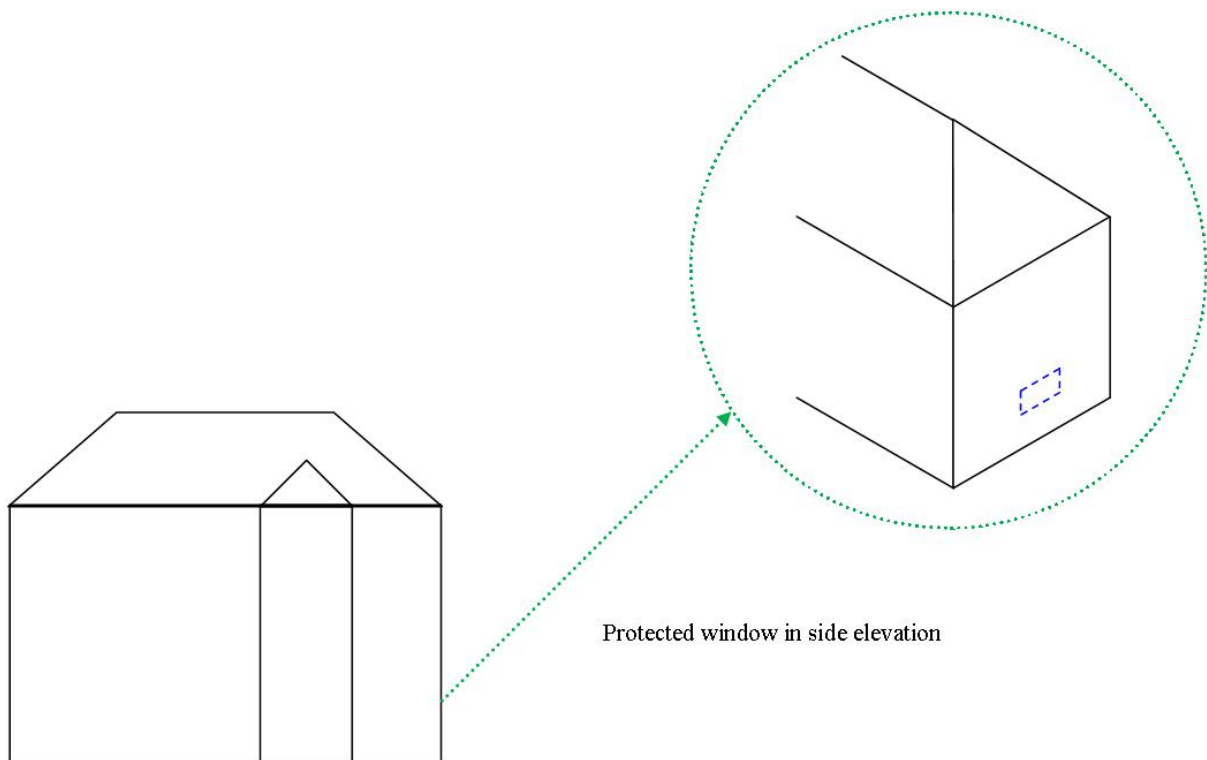


Figure 15: Example of a protected side window

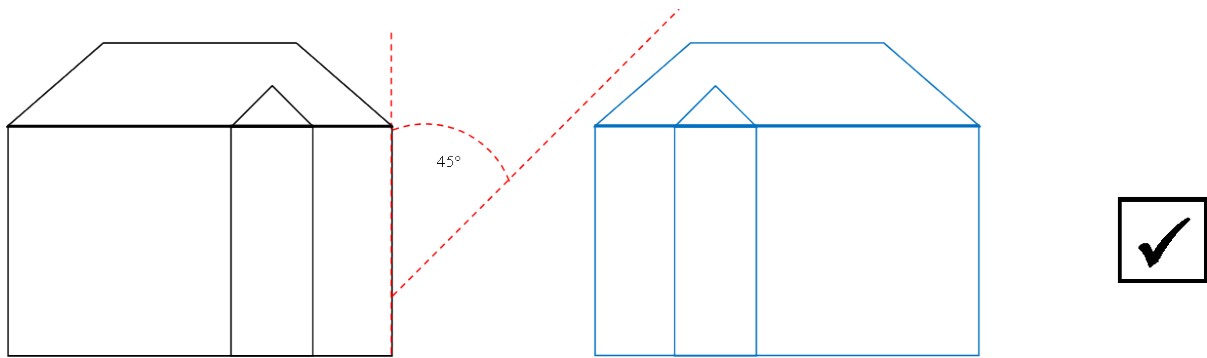


Figure 16: Neighbour's protected side window continues to receive natural light

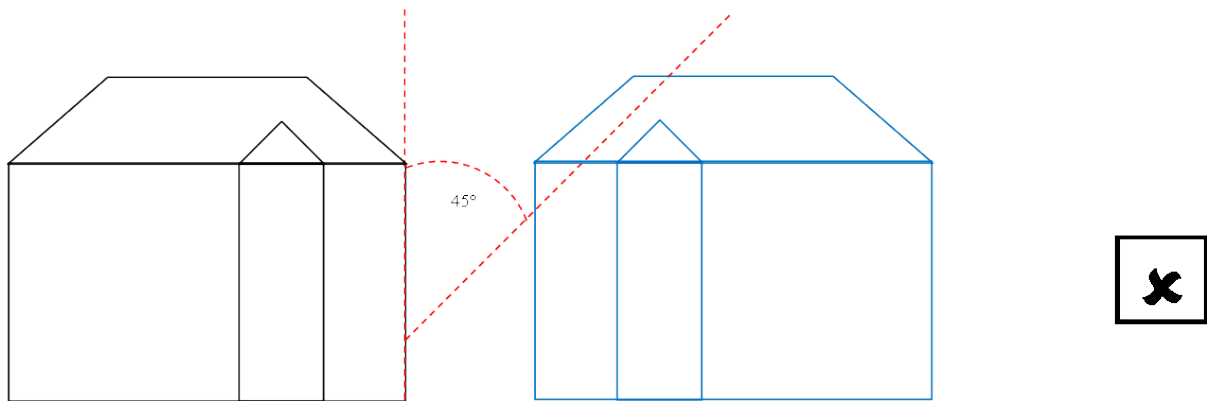


Figure 17: Neighbour's protected side window receives less light than it did before

5.8.7 ND 8.1 (25° or 45° Test for natural light)

Development that fails either the 25° or 45° test (as relevant) for natural light in relation to a neighbour's protected window is unlikely to be acceptable.

Note:

A habitable room may contain more than one door or window. So long as one of its openings would continue to provide occupants with adequate natural light, the council may allow a proposal that contravenes ND 7.2.

5.9 Loss of perceived space and visual amenity

5.9.1 ND 9.1 (Protected windows and blank two-storey elevations)

Development that reduces the distance between a protected window and a blank two-storey elevation to less than 14.00 metres is unlikely to be acceptable.

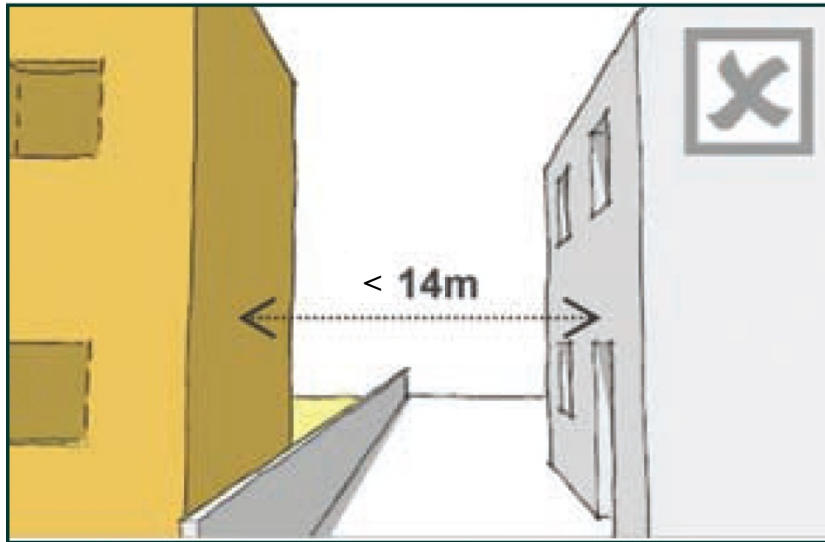


Figure 18: Distance of 14.00 metres between a protected window and a blank two-storey wall

5.10 Concluding note

5.10.1 Every application for development requires the council to assess whether any residents would experience a material (that is, substantial and harmful) loss of privacy, natural light or perceived space. No two application sites have identical physical characteristics, however, and very few sites conform to the “textbook” scenarios illustrated in this guidance. The council must, therefore, consider how factors such as orientation, topography and spatial relationships between buildings might accentuate or diminish the impact of a proposal. For instance, a south-facing window receives a great deal of direct sunlight between dawn and dusk, whereas a north-facing window receives only diffuse and, on occasion, oblique light. Of the two, then, it is the former that is more likely to be left in shadow by a new building. Lastly, the council must also take into account how development proposals might affect, or be affected by, other proposals that have received planning permission and are likely to be implemented.

6.0 PARKING, DRIVEWAYS/ACCESS ROADS, TRAFFIC AND VISIBILITY

6.1 Parking

6.1.1 ND 10.1 (Parking standards)

Development proposals should comply with the Newport City Council Parking Standards 2015 (or any supplementary planning guidance that amends or replaces these standards).

Note:

The council favours off-street parking, but schemes that sacrifice entire gardens in order to provide parking spaces will not receive planning permission. Proposals that cannot provide off-street parking and are likely to create or exacerbate on-street parking problems will also be unsuccessful. The council may, however, relax certain requirements if an applicant can demonstrate that a proposal is sufficiently well served by public transport and local services. Planning decisions will also take account of the manner in which buildings are currently used. For instance, even in the absence of off-street parking, the council may grant planning permission if the proposed development would create less demand for parking than the existing use.

6.2 Driveways and access roads

6.2.1 ND 11.1 (New roads, access points and inclusive design)

A new road or access point should follow the principles of inclusive design set out in Manual for Streets (as updated by Manual for Streets 2).

6.2.2 ND 11.2 (Use of existing access arrangements)

Where possible, in order to maintain the appearance of street frontages, existing access arrangements should be used for infill or backland development.

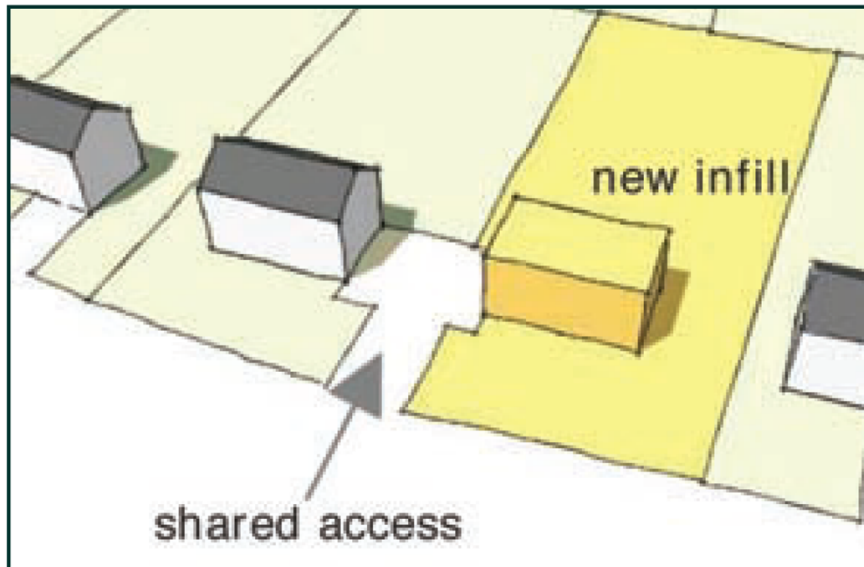


Figure 19: Shared vehicular access

6.2.3 *ND 11.3 (Shared driveways, vehicular movements and noise)*

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.

6.2.4 *ND 11.4 (Access roads and adoptable standards)*

An access road that serves five or more dwellings should be designed and constructed to adoptable standards.

6.2.5 *ND 11.5 (Access roads, driveways and safe routes for pedestrians)*

A new access road or driveway should include a safe route for pedestrians.

6.3 Traffic

6.3.1 *ND 12.1 (Existing highway networks and traffic assessments)*

The council will consider whether the existing highway network can accommodate the traffic that proposals are likely to generate. Applicants may need to submit traffic assessments for large-scale projects.

6.4 Visibility

6.4.1 ND 13.1 (*Visibility requirements and turning areas*)

A proposal that jeopardises the safety of residents, pedestrians or motorists will not receive planning permission. Visibility requirements, often determined by such factors as local traffic speeds and the scale of a proposed development, must be satisfied, and turning areas that allow vehicles to enter and leave a property in a forward gear may be required.

7.0 TREES, WOODLANDS AND LANDSCAPING

7.1 General

7.1.1 Trees, woodlands and hedges should inform and complement a housing layout. To this end, it is recommended that developers undertake appropriate assessments, in accordance with BS5837:2012, before designing the housing layout. In so doing, they may overcome potential conflicts between houses and trees at an early stage.

7.2 Tree Preservation Orders (TPOs)

- TPOs are used to protect healthy trees and woodlands of particular merit that contribute to the character of a local area and have a good life expectancy.
- The council will protect individual trees or woodlands that meet the criteria set out in the guidance notes of the Town and County Planning Act 1990.
- Applicants who wish to fell or undertake major work on healthy trees must submit evidence prepared by qualified tree consultants.
- The council will investigate breaches of TPOs and, when appropriate, seek to prosecute the offenders.
- The council will enforce Replacement Tree Planting Notices when protected trees are removed.

7.3 Trees and woodlands in conservation areas

- Applicants who wish to fell or undertake major work on healthy trees must submit evidence prepared by qualified tree consultants.
- The council will consider issuing new TPOs when developers seek to fell or prune healthy trees or woodland within a conservation area.
- The council will investigate breaches of legislation and, when appropriate, seek to prosecute the offenders.
- The council will enforce Replacement Tree Planting Notices when trees in conservation areas are removed.

7.4 Trees and woodland on council land that is to be sold for development

7.4.1 Prior to any sale, the council will consider placing TPOs on trees and woodland of merit. It is hoped that this approach will not only improve tree cover in Newport, but also help to create a “greener” and healthier city, in accordance with the Local Development Plan.

7.5 Hedgerows

- Hedgerows should be retained wherever possible in order not to detract from the character and appearance of the streetscape.
- Developers may need to obtain the council’s approval before removing hedgerows.
- In some circumstances, the council may require developers to plant replacement hedges.
- When appropriate, the council will issue retention notices.
- In order to retain important landscape and ecological features, the council will investigate breaches of hedgerow regulations and, when appropriate, seek to prosecute the offenders.

7.6 Structural planting on development sites

7.6.1 In order to create strong and clearly defined landscapes, the council will require developers to undertake structural planting in development sites. The term “structural planting” refers to groups of large trees and shrubs that define and give character to public spaces. Examples of such planting include trees that line boulevards or form boundaries between public and private land. The council believes that groups of trees and shrubs can influence the manner in which people perceive and use their surroundings. In most cases, however, the value of structural planting depends not only on the selection of particular species (each of which should be native to the United Kingdom), but also on the use of carefully designed arrangements. The council will require details of all structural planting for development sites that exceed three hectares in area.

7.6.2 Grass or low-planted verges should bound main roads in new housing developments. Each verge ought to be between 2.50 and 3.00 metres wide in order to accommodate boulevard-style planting, the trees of which should meet or exceed the “extra heavy” standard. In larger developments, secondary roads ought to have similar planting on at least one of their sides (e.g. on the outside of each bend). Trees planted in front gardens are inadequate substitutes for trees on verges because, in most cases, their owners may prune or fell them at any time.

7.6.3 The council will seek to retain trees and woodland on development sites by:

- Evaluating planning applications against national legislation and local policy and guidance;
- Protecting suitable trees and woodland with TPOs;
- Requesting tree information in accordance with BS5837:2012;
- Minimising potential conflicts between development and trees; and
- Investigating breaches of planning conditions and, when appropriate, seeking to prosecute the offenders.

7.6.4 Wherever possible, new trees on development sites should be planted in public open space, where they will have sufficient room for growth.

7.6.5 Lastly, the council may seek financial compensation from developers whose projects would occasion the loss of woodland, hedgerows and individual trees.

7.7 Local Areas of Play (LAPs) and Local Equipped Areas of Play (LEAPs)

7.7.1 Selected species of vertically growing (fastigate) trees should be planted on grass areas adjacent to LAPs and LEAPs. The trees should not, however, reduce the visibility of a play area or increase maintenance costs for the landowner/site manager.

7.8 Protection of woodland and woodland edges

- Woodlands and curtilages should be separated by strips of land known as “buffers”.
- Developers must provide details about the ongoing maintenance of buffers;
- A minimum distance of ten metres should remain between any part of a canopy and any part of a curtilage.
- The council will seek to conserve every woodland in its entirety, thus protecting the existing ecology and biodiversity. To this end, the council will resist any attempt to extend a garden into a woodland.

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Newport City Council

Supplementary Planning Guidance

FLAT CONVERSIONS



Draft February 2019



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1.0 INTRODUCTION

1.1 What is supplementary planning guidance (SPG)?

1.1.1 Published as an addition to the Newport Local Development Plan 2011 – 2026 (Adopted Plan, January 2015), supplementary planning guidance provides clear, in-depth advice on a range of planning and development issues. Before it can be adopted, it has to undergo a period of public consultation and then receive the council's approval. Once adopted, it constitutes a material consideration in the determination of relevant planning applications.

1.2 What is the history of the Flat Conversions SPG?

1.2.1 This SPG was formally adopted on 06 August 2015. It has been updated in 2019 to add clarification on points raised in the ongoing use of the guidance.

1.3 What is the purpose of this SPG?

1.3.1 This SPG has three main functions:

- i) To ensure that occupants of converted flats (excluding houses in multiple occupation, which are licensed by the Public Protection Service) have reasonable living conditions;
- ii) To ensure that converted flats do not deprive persons in existing dwellings of reasonable living conditions; and
- iii) To protect the character and appearance of the built environment.

2.0 TERMINOLOGY

2.1 Dwelling

2.1.1 A flat or a house.

2.2 Habitable room

2.2.1 Any room used or intended to be used for sleeping, living, cooking or eating purposes. Enclosed spaces, such as bath or toilet facilities, service rooms, corridors, laundries, hallways and utility rooms, are excluded from this definition.

Note:

The council will not regard a kitchen that is merely functional as a habitable room, but it may protect a kitchen that contains a dining table, a substantial breakfast bar or any other facility that encourages communal activity.

2.3 Protected window

2.3.1 An opening (that is, a door or a window) that serves a habitable room in a dwelling.

Note:

A house with a rear extension such as a conservatory whereby it is predominantly glazed, may retain a door or a window in its original rear elevation. If such an extension has an opaque roof (i.e. does not let light through), the Council will treat the rearmost opening (that is, the door or window in the extension) as the protected window. If, however, the conservatory has a transparent roof that does not significantly prejudice light to original openings, the Council may decide to treat these original rear openings as the protected windows

Note:

These terms are provided only for the purposes of this supplementary planning guidance. In no way do they alter or supersede similar terms in planning legislation or national policy documents.

3.0 POLICY CONTEXT

3.1 Legislation

3.1.1 **The Planning (Wales) Act (2015)** enables the creation of an efficient planning process that ensures the right development is located in the right place. This is done through adherence with the Well-being of future generations Acts (see below) to ensure that we plan and manage our resources in an engaged and sustainable way. There is greater emphasis on development engagement at the pre-application stage. This approach will help ensure issues such as design and amenity are considered at the earliest stage.

3.1.2 **The Well-being of Future Generations (Wales) Act (2015)** is about improving the social, economic and cultural well-being of Wales. The Act ensure that local authorities deliver sustainable development by considering long term effects as well as encouraging a more joined up approach. The Well-being of Future Generations Act put in place seven well-being goals to help ensure that public bodies are all working towards the same vision of a sustainable Wales.

3.2 National Policy

3.2.1 *Planning Policy Wales (Edition 10, December 2018)*

This document sets out the land-use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs). Procedural advice is given in circulars and policy clarification letters.

3.2.2 An overarching objective of PPW is the need for planning to take an active and positive role in placemaking¹. This approach is even to be taken at the householder scale, paragraph 2.7 states; Placemaking in development decisions happens at all levels and

¹ The definition of placemaking here is ‘a holistic approach to the planning and design of development and spaces, focused on positive outcomes. It draws upon an area’s potential to create high quality development and public spaces that promote people’s prosperity, health, happiness, and well being in the widest sense. Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place. Placemaking should not add additional cost to a development, but will require smart, multi-dimensional and innovative thinking to implement and should be considered at the earliest possible stage. Placemaking adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into planning decisions.

involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people.

3.2.3 Paragraphs 1.1.8 & 1.1.9 also states:

It is not the function of the planning system to interfere with or inhibit competition between users of and investors in land. It should not discriminate against or favour any particular group or members of society. In taking planning decisions the planning authority must clearly state the reasons for the decision. Those proposing development also have a responsibility to provide sufficient information to enable the decision maker to make an informed judgement on whether the proposed development is sustainable (i.e. contributes to social, economic, environmental and cultural well-being).

3.2.4 National Planning Policy is clear that in seeking to achieve good design developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution.

3.2.5 In addition, the density, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development. The special characteristics of an area should be central to the design of a development.

3.2.6 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys

3.2.7 *Technical Advice Note 12: Design (2016)*

Paragraph 1.6 states the following:

The purpose of this TAN is to equip all those involved in the design of development with advice on how ‘Promoting sustainability through good design’ and ‘Planning for sustainable building’ may be facilitated through the planning system.

3.2.8 Paragraph 2.2 states the following:

“The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales — from householder extensions to new mixed use communities.”

3.2.9 *Technical Advice Note 15: Development and Flood Risk (2004)*

This document establishes a precautionary framework for assessing development proposals in flood-prone areas. In certain circumstances, developers may have to submit Flood Consequence Assessments in an attempt to justify their proposals. In especially vulnerable locations, however, even the principle of residential development is unlikely to be acceptable.

3.2 Local policy

3.2.1 *Newport Local Development Plan 2011 – 2026 (Adopted Plan, January 2015)*

Policy GP2 (General Amenity) states the following:

“Development will be permitted where, as applicable:

- i. There will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality;
- ii. The proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;
- iii. The proposal seeks to design out the opportunity for crime and antisocial behaviour;
- iv. The proposal promotes inclusive design both for the built development and access within and around the development;
- v. Adequate amenity for future occupiers.”

3.2.2 Policy H2 (Housing Standards) states the following:

“Residential development should be built to high standards of environmental and sustainable design, taking into account the whole life of the dwelling.”

Excerpt of supporting text:

“Residential development of all types, whether new development, redevelopment, conversions, extensions or changes of use, should be carried out in as sustainable way as possible, to reduce the impact on the environment both of the construction and subsequent use of the dwelling.”

3.2.3 Policy H8 (Self-contained Accommodation and Houses in Multiple Occupation) states the following:

“Within the defined settlement boundaries, proposals to subdivide a property into self-contained, bedsits or a house in multiple occupation will only be permitted if:

- i. The scale and intensity of use does not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on street parking problems;
- ii. The proposal does not create an over concentration of houses in multiple occupation in any one area of the city which would change the character of the neighbourhood or create an imbalance in the housing stock;
- iii. Adequate noise insulation is provided;
- iv. Adequate amenity for future occupiers.”

3.2.4 Policy SP3 (Flood Risk) states the following:

“Newport’s coastal and riverside location necessitates that development be directed away from areas where flood risk is identified as a constraint and ensure that the risk of flooding is not increased elsewhere. Development will only be permitted in flood risk areas in accordance with national guidance. Where appropriate a detailed technical assessment will be required to ensure that the development is designed to cope with the

threat and consequences of flooding over its lifetime. Sustainable solutions to manage flood risk should be prioritised.”

4.0 GENERAL PRINCIPLES AND CONSIDERATIONS

4.1 Does a flat conversion always require planning permission?

4.1.1 Yes. Even the creation of one flat within an existing dwellinghouse constitutes a material change of use of the building. In addition, Section 55(3) of the Town and Country Planning Act 1990 defines the subdivision of a dwellinghouse into two or more separate dwellings as a material change of use that requires planning permission. A separate dwelling may take the form of a flat, a flatlet, a bedsit or a maisonette, and it may be separated from another dwelling by physical means, such as exclusive facilities, services and access, or by legal means, such as individual letting arrangements.

4.2 The council's approach

4.2.1 The council recognises the contribution that flat conversions make to the city's housing stock. In particular, such units make more efficient use of existing buildings and encourage people to maintain or improve old ones. Inappropriate conversions, however, can worsen neighbours' living conditions and give rise to parking problems. This guidance describes the circumstances in which proposals for flat conversions are likely to be acceptable.

4.3 How does the council assess flat conversions?

4.3.1 The following list is not exhaustive, but, when determining an application for planning permission, the council considers such issues as:

- The availability of on-street and off-street parking;
- Neighbours' living standards (with particular regard to noise and privacy);
- Future occupants' living standards (with particular regard to internal floor space, outdoor amenity space, parking, bin storage, bicycle storage and noise);
- Impact on the character and appearance of the building and the streetscape.

4.3.2 The council may be willing to relax the requirements for off-street parking and outdoor amenity space in the city centre, but applicants must first demonstrate that the living standards of future occupants and neighbours would not suffer as a consequence of any shortfall.

4.4 Which types of buildings might be suitable for conversion?

4.4.1 Conversion opportunities might include:

- Old and large houses that may be difficult to sustain as single dwellings because of their size and location;
- Commercial or institutional buildings that are no longer needed for their original purposes; and
- The upper floors of business premises within commercial areas, including the city centre.

4.4.2 Any scheme that involves an extension will be assessed against policies GP2 (General Amenity), GP6 (Quality of Design) and Policy H2 (Housing Standards) of the Newport Local Development Plan 2011 – 2026 (Adopted Plan, January 2015).

4.5 Development in conservation areas

4.5.1 When assessing a development proposal in a conservation area, the council has a duty to pay special attention to the “desirability of preserving or enhancing the character and appearance of [a conservation] area” (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990). In every submission, therefore, the applicant must indicate precisely how the proposed development would appear in the context of its surroundings.

4.6 Legal and statutory requirements

4.6.1 It is recommended that developers consider all of the legal and statutory requirements that might affect their proposals. Of particular relevance are the Party Wall etc. Act 1996, the Countryside Act, details of property ownership, rights of land and listed-building consent.

4.7 Building regulations

4.7.1 Flat conversions may require building-regulations approval. Advice and application forms can be obtained from the Building Control section of the Newport City Council website.

4.8 Necessary consents and certificates

4.8.1 Those who undertake flat conversions without the necessary consents may find it difficult to sell their properties in the future. They will not, for instance, be able to provide prospective buyers (or their representatives) with copies of certificates.

4.9 Enforcement

4.9.1 Newport City Council may take enforcement action against (and, if necessary, prosecute) those who commence development without having obtained the necessary permission.

4.10 Lawful Development Certificates

4.10.1 A developer may apply for a Lawful Development Certificate (LDC) so long as the converted flat in question has served as a dwelling for at least four years.

4.11 Wildlife

4.11.1 Dwellings, as well as their outbuildings and curtilages, may support protected species that are material to planning decisions, such as bats, barn owls, swallows and house martins. The Wildlife and Development SPG outlines a range of potential

considerations in planning proposals. Further advice may be found via the Natural Resources website (<http://naturalresources.wales>).

5.0 GUIDANCE NOTES

5.1 General

5.1.1 FC 1.1 (Conservation areas)

Planning applications that relate to properties in conservation areas must indicate precisely how the proposed development would appear in the context of its surroundings.

5.1.2 FC 1.2 (Listed buildings)

Applications for listed-building consent should contain details of all proposed internal and external works.

5.2 Living conditions

5.2.1 FC 2.1 (Living conditions)

A converted flat should offer its occupants reasonable levels/amounts of natural light, perceived space, privacy, ventilation, peace and quiet, noise attenuation, outdoor amenity space, parking, cycle storage, and bin/recycling storage.

Notes:

i) *Converted roof spaces*

Roof lights, unless installed in such numbers that they risk spoiling the appearance of a building, are unlikely to meet council amenity standards on their own. In some circumstances, therefore, it may be necessary to build one or two well-designed dormers.

ii) *Converted basements*

Basement flats that either contain no windows or offer protected windows with very limited outlooks will not be acceptable.

5.3 Internal layout

5.3.1 It is essential that converted flats offer their occupants reasonable living conditions.

5.3.2 FC 2.2 (Internal floor space)

A flat conversion should meet the relevant desired standard for gross internal floor space:

Beds/bedrooms	Flat type			
	<i>Studio</i>	<i>Converted</i>	<i>New</i>	
			<i>Common Access²</i>	<i>Walk Up³</i>
1	32	45	46	50
2	n/a	58	59	65
3	n/a	74	84	90
4	n/a	86	93	99

Figure 1: Desired standards for gross internal floor space (square metres)

Note:

Gross internal floor space includes circulation space and any space occupied by fixtures, appliances, work surfaces, etc.

If the dwellings proposed are to be affordable housing that are in receipt of social housing grant they will need to meet the relevant DQR standards.

5.3.3 Rooms should be arranged and designed in a manner that maximises the living standards of occupants. For instance, living rooms, kitchens and bedrooms should neither overlook adjoining properties nor face high boundary walls. Living rooms, moreover, should not be next to, directly above or directly below a bedroom in a

² Common access is where more than one flat is accessed from a communal entrance.

³ Walk up is where a flat has its own direct access point which is not shared.

neighbouring property unless the fabric of the building contains suitable acoustic insulation.

5.4 Design

5.4.1 FC 3.1 (*External alterations*)

External alterations in association with a flat conversion should respect the character and appearance of both the building and the streetscape.

Note:

New doors and windows in a converted ground-floor commercial unit should be identical to those in the upper floors. Developers must take particular care when a proposal would affect a listed building or a conservation area (see below for guidance).

5.5 Noise

5.5.1 FC 4.1 (*Acoustic insulation*)

In order to ensure that occupants have adequate living conditions, a converted flat in a noisy location should feature noise-attenuation and ventilation measures.

Note:

Applicants should submit details of noise-attenuation and ventilation measures with the initial planning application. Alternatively, they may submit the required details with subsequent discharge-of-condition applications. A degree of disturbance must be expected in certain locations, such as the city centre, but proposals that would fail to protect prospective occupants from excessive external noise will not receive planning permission.

5.5 Amenity space

5.5.1 FC 5.1 (*Outdoor amenity space*)

Outdoor amenity space, whether a back garden or a patio, should be made available to the occupants of a converted flat wherever the opportunity exists.

5.6 Bins

5.6.1 FC 6.1 (Refuse and recycling arrangements)

Dustbins and recycling boxes should be provided outside the flat, but within the curtilage of the property, in the least conspicuous location possible.

5.7 Access

5.7.1 FC 7.1 (Access)

A rear passageway will be acceptable as a primary access point only if it is wide and well lit. In no circumstances may a flat and a non-residential unit (e.g. a shop) share a single entrance.

5.8 Converting roof spaces

5.8.1 FC 8.1 (Converted roof spaces)

A converted roof space must offer its occupants sufficient natural light.

Note:

- i) Roof lights, unless installed in such numbers that they risk spoiling the appearance of a building, are unlikely to meet council amenity standards on their own. In some circumstances, therefore, it may be necessary to build one or two well-designed dormers.
- ii) Developers should consider whether ceiling heights are sufficient to allow reasonable use of the proposed living space.

5.9 Loss of privacy

5.9.1 FC 9.1 (Protected windows and separation distances)

In order to ensure that all residents have sufficient privacy in their homes, suitable separation distances must exist between protected windows in existing and converted dwellings.

Notes:

- i) Protected windows that face one another should be at least 21.00 metres apart (unless separated by permanent structures or evergreen trees protected by Tree Preservation Orders).
- ii) Protected windows that do not face one another may be less than 21.00 metres apart.

5.9.2 FC 9.2 (Protected windows and adjacent gardens)

In order to prevent overlooking or perceived overlooking and overbearing effects developments must have a suitable separation distances between new high-level protected windows and adjacent back gardens.

Note:

When judging whether the distance between a high-level protected window and a neighbouring garden is suitable, the council will consider, amongst other things, the shape, size and layout of the garden and the effects of ground levels, outbuildings and boundary treatments (e.g. hedges and fences).

5.10 Loss of perceived space and visual amenity

5.10.1 FC 9.3 (Protected windows and blank two-storey elevations)

Development that reduces the distance between a protected window and a blank two-storey elevation to less than 14.00 metres is unlikely to be acceptable.

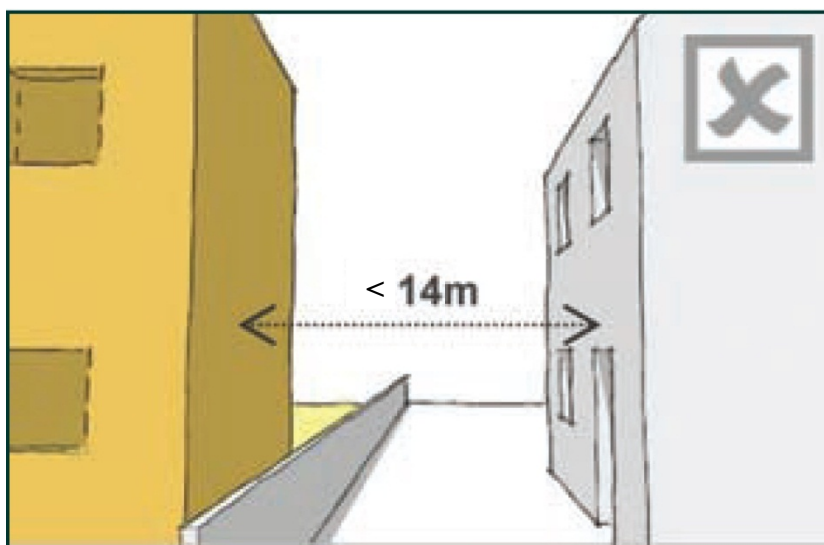


Figure 2: Distance of 14.00 metres between a protected window and a blank two-storey wall

5.11 Concluding note

5.11.1 Every application for development requires the council to assess whether any residents would experience a material (that is, substantial and harmful) loss of privacy, natural light or perceived space. No two application sites have identical physical characteristics, however, and very few sites conform to the “textbook” scenarios illustrated in this guidance. The council must, therefore, consider how factors such as orientation, topography and spatial relationships between buildings might accentuate or diminish the impact of a proposal. For instance, a south-facing window receives a great deal of direct sunlight between dawn and dusk, whereas a north-facing window receives only diffuse and, on occasion, oblique light. Of the two, then, it is the former that is more likely to be left in shadow by a neighbour’s extension or outbuilding. Lastly, the council must also take into account how development proposals might affect, or be affected by, other proposals that have received planning permission and are likely to be implemented.

6.0 PARKING, DRIVEWAYS/ACCESS ROADS, TRAFFIC AND VISIBILITY

6.1 Parking

6.1.1 *FC 10.1 (Parking standards)*

Development proposals must comply with the Newport City Council Parking Standards 2015 (or any supplementary planning guidance that amends or replaces these standards).

Note:

The council favours off-street parking, but schemes that sacrifice entire gardens in order to provide parking spaces will not receive planning permission. Proposals that cannot provide off-street parking and are likely to create or exacerbate on-street parking problems will also be unsuccessful. The council may, however, relax certain requirements if an applicant can demonstrate that a proposal is sufficiently well served by public transport and local services. Planning decisions will also take account of the manner in which buildings are currently used. For instance, even in the absence of off-street parking, the council may grant planning permission if the proposed development would create less demand for parking than the existing use.

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