

Agenda



Delegated Decisions - Cabinet Member for Sustainable Development

Date: Thursday, 7 October 2021

To: Councillor J Hughes

Item		Wards Affected
1	<u>Supplementary Planning Guidance to support the Adopted Local Development Plan</u> (Pages 3 - 136)	All Wards

Contact: Anne Jenkins, Governance Team Leader, Anne.Jenkins@newport.gov.uk, 01633 656656, 20/09/21

Tel: 01633 656656

E-mail: Cabinet@newport.gov.uk

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Report

Cabinet Member for Sustainable Development

Part 1

Date: 7 October 2021

Subject **Supplementary Planning Guidance to support the Adopted Local Development Plan**

Purpose To formally adopt 3 Supplementary Planning Guidance documents to support the Local Development Plan

Author Planning Policy Manager

Ward All Wards

Summary The Local Development Plan (LDP) was adopted by Council on 27 January 2015 and is the development plan for Newport. Draft Supplementary Planning Guidance (SPG) documents have been prepared to provide additional detail and guidance on policies in the LDP. Three draft SPGs have been through an eight-week public consultation, one is a new design guide the other two are updated versions of currently adopted SPG. Following consultation, comments have been received and it is recommended that a number of minor amendments are made and the SPGs are formally adopted. The SPGs recommended for adoption are:

- Shopfront Design SPG (New),
- Affordable Housing (amendment to existing SPG),
- Flat Conversions (amendment to existing SPG).

Proposal That Cabinet Members note the comments received, approve the recommended amendments to the documents and formally adopt the three Supplementary Planning Guidance documents.

Action by Head of Regeneration, Investment and Housing

Timetable Immediate

This report was prepared after consultation with:

- Chief Executive
- Head of Law and Regulation – Monitoring Officer
- Head of Finance – Chief Finance Officer
- Head of People and Business Change

Signed

Background

The Local Development Plan (LDP) was adopted by Full Council on 27th January 2015 and is used for development management purposes and determining planning applications. The LDP is accompanied by Supplementary Planning Guidance (SPG) covering topic areas and policies which require more detailed guidance. This report is considering the revision of two existing SPGs – Affordable Housing and Flat Conversions, and the creation of a new SPG providing guidance on shopfront design.

Shopfront Design SPG (New)

The design and appearance of commercial facades has a major role to play in maintaining and enhancing a quality built environment. Over time, building elevations can become degraded as a result of inappropriate additions, loss of original features and poor levels of maintenance, therefore it is important that changes to building facades complement the street scene and its character.

This SPG has been produced to add further guidance on Policies GP2 (General Amenity), GP6 (Quality of Design), CE7 (Conservation Areas) and Policies R1 – R11 (Retail Policies) within the context of design and appearance of shop fronts and associated paraphernalia.

The Supplementary Planning Guidance (SPG) aims to ensure the creation and maintenance of high quality shopfronts and to retain and reinstate traditional or historic facades through a set of 34 design notes. The design notes are principles that aim to ensure new and altered shopfronts respond to the local context. The SPG addresses both Traditional and Contemporary Shop Front Design as well as considering individual design elements including Fascia Design and Lettering; Signage and Advertising; Pilasters and Vertical elements; Windows & Doors; Suspended Ceilings and Mezzanines; Stall risers; Lighting; Canopies and Blinds; Materials; Colours; and Rainwater Goods.

Affordable Housing (update to existing SPG)

This SPG sets out the Council's requirements for affordable housing, to ensure new developments help to meet the City's housing needs and create mixed, sustainable communities. This SPG expands upon the planning policies set out in the adopted Local Development Plan and outlines how the Council expects affordable housing to be delivered as part of new residential developments.

Some minor, but important changes have been made:

- Historically, the Council has used the Three Dragons Toolkit to undertake viability appraisals. However, in order to 'future proof' this SPG, paragraph 1.9 and 4.25 now allow for other industry standard viability appraisals to be utilised. This recognises the ever-changing nature of the industry and ensures the Council can access the most up-to-date appraisal toolkits when negotiating S106 planning obligations;
- Minor change to paragraph 4.1 provides greater clarity on the types of dwellings that are subject to affordable housing commuted sum payments;
- In order to expedite the signing of S106 legal agreements, a minor change to paragraph 5.10 provides greater clarity on the documentation required by the Council's legal team;
- Minor change to paragraph 5.11 allows Legal Fees to reflect officer time, as opposed to a set fee. In addition, reference to the S106 Administration Fee is made to mirror the principal advice in the Planning Obligations SPG.

Flat Conversions (update to existing SPG)

This SPG aims to ensure that occupants of converted flats have reasonable living conditions, whilst also protecting the character and appearance of the built environment and the living conditions of existing dwellings.

The minor change at paragraph 2.1.1 states that bed-sits and studio flats are also classified as flats. This clarification ensures that the definition of a flat mirrors the classification outlined in the Planning Obligations SPG and, therefore, provides greater clarity when requesting affordable housing commuted sums.

Consultation

All three documents were subject to an 8-week public consultation from 4th February – 1st April 2021. Comments have been received and considered by officers. The tables noting all comments received and the recommended responses are available to view in Appendix 1. A summary of the key issues raised and main proposed changes to the SPGs are below.

Key Issues Raised and Councils proposed response

The key issues raised in relation to the **Shopfront Design SPG** as part of the consultation process were the clarification on design of both security measures, and buildings that do not naturally lend themselves to retail e.g. bank or public house to retail or leisure.

The design of security measures is clearly set out in an existing SPG (Security Shutters), the Shopfront Design SPG references this and it is not considered necessary to duplicate guidance. While the New SPG does not give specific details on conversion of a bank or public house to retail or leisure it is considered that the general design principles, set out in section 4 -7, are adequate to address most situations. It is considered that where specific advice on a scheme is sought this would be better dealt with by specific pre-application advice.

There were no key issues raised in relation to the **Affordable Housing SPG** as part of the consultation process only a note on inconsistency of text which has been resolved.

The key issues raised in relation to the **Flat Conversions SPG** as part of the consultation process were that some of the requirements of the SPG are overly prescriptive, e.g. including minimum size, layout and car & cycle parking and whether measures could be requested that could offset the potential increase in vehicle emissions use when converting from a single dwelling to a HMO. Also a request for greater clarity with regard to noise & ventilation attenuation for conversions.

While the concerns regarding the size and layout requirements of the SPG are noted, the Council consider they are necessary to ensure reasonable living conditions are maintained for all future occupants. With regard to car parking, each planning application is considered on its individual merits and it is noted that cycle parking forms part of overall measures to reduce the carbon footprint and suitable storages should be considered from the outset of the design rather than as an add on. It is noted the Flat Conversions SPG is mentioned in the Air Quality SPG (paragraph 4.5.9) which has greater detail on reducing the carbon footprint and improving air quality. In addition, Welsh Government has recently been out for consultation on an Electric Vehicle (EV) charging strategy which is expected to be included in Building Regulations. Specific advice on noise and ventilation would depend on the age, character and design of the individual building and while attenuation measures should comply with current industry standards, further advice is available from the Council's Environmental Health and Building Control Officers.

Summary of Proposed SPG Changes

All SPGs have been updated to reflect recent changes in national policy including the adoption of Future Wales: The National Plan 2040 (Feb 2021). There are minor changes recommended for the Shopfront Design SPG to reflect technical issues, for example replace an image of a recessed doorway with gate with a better example. There are only minor changes recommended to the Affordable Housing and Flat Conversion SPGs. Details of all changes made can be seen in Appendix 1.

Financial Summary

There will be no cost associated with adoption. Following adoption, it might be desirable to print hard copies of the SPG as office copies, but this will be a modest fee. The majority of users will download the SPG electronically from the Council website.

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 therefore potentially more open to interpretation and challenge.	L	L	The SPG will help to provide clarity and offer further guidance on LDP policies to aid the planning application determination process.	Head of Development Services/Planning Policy Manager
Draft SPG will carry less weight by Planning Inspectors in the determination of planning appeals.	M	L	The SPG has been through public consultation and are now ready for adoption.	Head of Development Services/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. The SPGs will supplement 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. The SPGs will help deliver these commitments by ensuring the creation and maintenance of high quality shopfronts that respond to and enhance their local context.

Options Available and considered

- a) Approve all three of the draft SPGs for adoption.
- b) Make alternations to the draft SPGs and then approve for adoption.
- c) Do not approve any of the three draft SPGs for adoption.

Preferred Option and Why

The preferred option is Option A. The documents have been subject to public consultation and comments have been considered and amendments have been made to the documents. The adopted SPGs will assist the Council in determining planning applications.

Comments of Chief Financial Officer

There will be no financial impact associated with the adoption of these sets of supplementary planning guidance, any associated costs will be minimal and met from existing budgets.

Comments of Monitoring Officer

There are no specific legal issues arising from the Report. The proposed SPG's set out more detailed practical and technical guidance regarding the application of the strategic land use policies contained in the LDP and provide a consistent approach for the determination of planning applications. The proposed

new shopfront SPG is intended to secure design quality in order to maintain the character and appearance of buildings, while the proposed revision to the Affordable housing SPG updates the existing guidance to amend the viability assessment process and the requirements for s106 agreements. The flat conversions SPG again updated the current guidance to provide greater clarity on the meaning of a “flat”. The proposed SPG’s have been the subject of public consultation for a period of 8 weeks and the consultation responses are set out in the report. The final SPG’s will be a material planning consideration in the determination of relevant applications and greater weight can be attached to them because they have been subject to public consultation, prior to their adoption.

Comments of Head of People and Business Change

As required, this report has fully considered the Well-being of Future Generations (Wales) Act 2015.

These SPGs support many of the Well-being Goals and the Council Well-being Objectives.

All aspects of the Act’s sustainable development principle, “*looking to the long term*”, “*involving people*”, “*collaborating with others*”, “*taking an integrated approach*” and “*prevention*” have been fully covered in the appropriate section of this report.

There is no requirement for a separate Equalities Impact Assessment (EIA) as mentioned in the appropriate section of the report.

Finally, from an HR perspective, there are no staffing implications.

Scrutiny Committees

The SPG has not been through a Scrutiny Committees.

Fairness and Equality Impact Assessment:

- **Wellbeing of Future Generation (Wales) Act**
- **Equality Act 2010**
- **Socio-economic Duty**
- **Welsh Language (Wales) Measure 2011**

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 five main considerations are:

Long term: The three SPG documents provide details as to how to provide the standards and facilities to ensure sound decisions are made for developments to provide places that are functional and pleasant for the needs of current and future stakeholders.
Shopfront Design SPG (New). Improving design and appearance of commercial facades will help with the longer term goals of protecting and enhancing environmental quality, which can raise public aspirations, reinforce civic pride and create a sense of place helping to attract business, promote social inclusion and improve the quality of life creating a sense of place helping to attract business.
Affordable Housing (update to existing SPG) Improving both process and management aids the ability to deliver sustainable mixed communities.
Flat Conversions (update to existing SPG) Greater clarity of definition aids the ability to deliver sustainable mixed communities for future generations.

Prevention: The understanding and subsequent initiation of the requirements of the documents will mean that the developer will have a positive impact and this should prevent inappropriate and poorly designed developments.

Integration: Setting out design standards in such a detailed manner and providing further clarity on the existing Affordable Housing and Flat Conversions SPGs will assist developers and other relevant stakeholders in understanding what the Council will require at the planning application stage and provide clarity and transparency to the approval process. The consultation process has allowed these standards and requirements could be to be challenged, and amendments to be made where appropriate. The adherence to the guidance will help make developments more attractive to residents and the community, helping to attract business, promote social inclusion and improve the quality of life creating a sense of place. The adoption of these documents will help interested parties understand their role when proposing development within the authority area. The purpose of creating supplementary planning guidance is to provide details as to the application of Local Development Plan policies. The overarching principles of the LDP is for the provision of sustainable development in all its forms. Therefore, this work can be seen to go some way to meeting all seven of the well-being goals for Wales. In particular, the guidance documents will require developers to produce places that create and support cohesive communities in an equal and healthy manner through provisions such as encourage developers to consider how their development fits in with the existing context and enabling mixed communities integrates society at both a social and economic level.

Collaboration: These three guidance documents have been through 8-weeks of public consultation on the draft documents. This consultation process was publicised on the Council's website and emails sent to neighbouring authorities, statutory consultees, planning agents, Community Councils, the Economic Development Officers business contacts and community groups. The consultation has informed the final version and allows collaboration between those interested stakeholders.

Involvement: There was a meaningful response to the consultation process, with relevant parties engaging. The consultation has informed the final version of the documents.

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 to promote economic growth and regeneration whilst protecting the environment.

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

The Equality Act duties have been given due consideration in the creation of these SPGs and it is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

In terms of the Welsh Language, Section 31 of the Planning (Wales) Act 2015 clarifies that impacts on the Welsh language will be considered in the determination of planning applications. The impact on the Welsh Language has been considered. The adoption of these three SPGs will not have a material effect upon the use of the Welsh language in Newport. The SPGs will be translated into Welsh for publication.

An FEIA has not been undertaken specifically for these three SPGs. These three SPGs are supporting documents to the main Local Development Plan which has undergone an equality impact assessment along with a health impact assessment, Welsh Language and Sustainability Appraisal.

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 adoption of these documents.

Consultation

The three draft SPGs were subject to an 8-week public consultation from 4th February – 1st April 2021. Comments have been received from interested parties and considered by officers. The tables noting all comments received and the Council's proposed responses are available to view in Appendix 1.

Background Papers

- Shopfront Design SPG (New) – Version proposed for adoption



Shopfront Design
SPG (JUN 2021).docx

- Affordable Housing (update to existing SPG) - Version proposed for adoption



Affordable Housing
SPG (JUN 2021).docx

- Flat Conversions (update to existing SPG) - Version proposed for adoption



Flat Conversions
SPG (JUN 2021).docx

Dated: 7 October 2021

APPENDIX 1 –

COMMENTS RECEIVED ON THE SPG AND THE COUNCIL’S PROPOSED RESPONSE

Shopfront Design SPG (New)

From	Comment	NCC Response	Change to SPG
NCC Conservation Officer	It would be worth referring to the fact that guidance is available in Cadw documents (maybe a reference to “Managing Change to Listed Buildings in Wales”)	Reference to the guidance added to the end of paragraph 3.3. with a linked shortcut to: (below*)	Amendment to Paragraph 3.3: ... or listed building consent. General guidance on “Managing Change to Listed Buildings in Wales” is available from Cadw.
Newport Norse	Point 9.1.6 There is a spelling mistake it should be clerestories	Noted, SPG updated	Amendment to Paragraph 9.1.6: Treating clerestories (high level windows) in...
	Figure 29 is a bad photographic example in a guide as shows infill of the shopfront with blockwork and also as window narrowing with flush fitted timber windows.	While it is agreed the widow itself is not an example of good practice the image is used as an example of window sticker and not for the window itself.	No change
	Item 9.5.4 talks about gated entrance ways. There are good examples of this that could be included in the guide as photos that were completed on the Marks Building and the Buildings on Mariners Green. Images supplied: 	Andrew Herrington has agreed his photos can be used within the SPG (email 8/2/21)	Replace Image <i>Fig. 32 Recessed doorway detail with:</i> 

			
	<p>Item 10.3 Should read Externally mounted Solid and Pinhole shutters.....</p>	<p>Paragraph 10.4 goes on to note <i>“Planning permission is required for all externally mounted security grills/shutters. Listed building consent is usually required if proposals for both externally and internally mounted grilles/shutters.”</i> i.e. permission is unlikely to be required for internally mounted security grills/shutters on non-listed buildings.</p>	<p>No change</p>
	<p>Item 10.3 could be expanded to encourage roller shutters to be installed if required internally set well back from the shopfront to allow displays to be seen at night. This was done on all the regeneration scheme projects in Newport that I was involved with. Matthew Tribbeck and Gillian Lewis were the officers who I worked with who may be able to provide photographs of these installed. I can also search my photos if required.</p>	<p>Paragraph 10.5 and 10.6, encourages alternative solutions that negate the need for roller shutters.</p> <p>In addition, the paragraph 10.4 goes on to note that the Council’s Shopfront Security Shutters SPG gives greater detail on this matter in particulate sections 1.3 and 7 of the Security Shutters SPG.</p>	<p>No change</p>
	<p>There could be some mention of how to convert or deal with buildings such as banks and public houses that are become shops or eating places possibly dealing with the subject of enlarging windows by lowering cills.</p>	<p>The SPG does provide general design principles in section 4 and 5 and goes on to talk about both traditional (section 6) and contemporary (section 7) shopfronts. However, it is not possible to cover every possible conversion scenario and specific advice will depend on the age, character and design of the building to be converted.</p>	<p>No change</p>

Natural Resources Wales	<p>We've no comments to make on the draft SPG's in terms of our role as a statutory planning advisor.</p> <p>In terms of your screening reports for both SEA and HRA, we note you have screened out the Plan. We have considered the reasons given and have no adverse comments on the matter. If you have any queries please do not hesitate to contact me.</p>	Comments noted, no amendments required.	No change
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*[https://cadw.gov.wales/sites/default/files/2019-05/20170531Managing% 20Change%20to%20Listed%20Buildings%20in%20Wales%2024303%20EN.pdf](https://cadw.gov.wales/sites/default/files/2019-05/20170531Managing%20Change%20to%20Listed%20Buildings%20in%20Wales%2024303%20EN.pdf)

Affordable Housing (update to existing SPG),

From	Comment	NCC Response	Change to SPG
Home Builders Federation	I note that at Para 1.9 the reference to Three dragon tool kit has been removed, however, para 4.25 still references it.	One paragraph does not contradict the other. The Three Dragons Toolkit is a recognised industry appraisal toolkit, but its omission from Paragraph 1.9 alludes to the fact that the Council may use other models in the future	Minor change to make it clear that other models can be used.
	Also I've not checked but I'm aware the ACG values changed in 2018 so should this have affected the figure at [step 4 para 5.4] If they have changed then will it have affected the figures in the commuted sum calculation table at the end of this section.	Any changes to commuted sums will be determined by historical sums received as a result of independent viability appraisals. Any changes will be reflected in the Annual Monitoring Report and the forthcoming review of the Local Development Plan	No change
NCC Senior Scientific Officer	I think there probably isn't anything I can add to the affordable housing one as this appears to relate more to the principles of allocation and level formulas; if it had covered design then I would have wanted it to include more on sustainability in terms of materials and heating systems e.g. ASHP. Air Quality should be covered through the AQ SPG as well but mentioning it wherever possible is good practice. The inextricable linkages between	These comments are noted, this SPG relates to the Council's requirements for affordable housing to be provided.	No change

	climate change, sustainability, and air quality need to be recognised.		
Natural Resources Wales	<p>We've no comments to make on the draft SPG's in terms of our role as a statutory planning advisor.</p> <p>In terms of your screening reports for both SEA and HRA, we note you have screened out the Plan. We have considered the reasons given and have no adverse comments on the matter. If you have any queries please do not hesitate to contact me.</p>	Comments noted, no amendments required.	No change

Flat Conversions (update to existing SPG),

From	Comment	NCC Response	Change to SPG
NCC Senior Scientific Officer	The Flat Conversion SPG has the potential to create more units and potential car users, energy users where a previously single dwelling becomes two or more flats. I see that noise is mentioned in the SPG therefore AQ considerations and sustainable transport could be included e.g. need for EV infrastructure/provision to contribute to reducing vehicle emissions across NCC area. This principle can be applied whether in an AQMA or not.	<p>Noted. However, a contribution to EV would firstly need to be reflected in the 'principal' SPG i.e. the Planning Obligations SPG, as part of overall corporate priorities for new/converted dwellings. Any changes to the principal SPG would then be reflected in the Flat Conversion SPG (not vice versa).</p> <p>It is noted this is also mentioned in the Air Quality SPG (paragraph 4.5.9) and covered generally by Policies in the LDP. Welsh Government has recently been out for consultation on an Electric Vehicle (EV) charging strategy and it is to be inclusion in Building Regulations.</p>	No change
National Residential Landlords Association	The National Residential Landlords Association (NRLA) represents over 90,000 private sector residential landlords in England and Wales. The NRLA provides support and advice to members and seek to raise standards in the Private Rented Sector through our	Noted	No change

	<p>code of conduct, training, accreditation and the provision of guidance and updates on legislation affecting the sector.</p> <p>The NRLA applauds the acknowledgement from the LPA that supplementary planning guidance (SPG) is required for flat conversions. Given the proposed population forecasts for the City of Newport, which is fuelled largely by an increase in single occupancy and accommodation for couples, making the most out of existing building stock will be imperative to tackling housing issues within the city. Secondly, the Cardiff City Deal, discontinuation of Severn Bridge Charging and greater strategic alignment with the South West of England, may all contribute towards increased population growth.</p> <p>The NRLA also acknowledges when testing the soundness of the SPG and indeed the overall viability of the Local Development Plan, that consideration should be given to material planning considerations. However, given that we represent private rented sector landlords, we believe that it would be pertinent to include the views of our members within this response, which may fall outside of material planning conditions.</p>		
	<p>The Council's approach We welcome the council's recognition that flat conversions contribute towards the city's housing stock and that these can sometimes make more efficient use of existing buildings. We further commend the council's recognition that flat conversions can improve and maintain older buildings especially those that have been left empty for some time.</p>	Noted	No change
	<p>While we also recognise that inappropriate conversions can</p>	Noted	No change

	<p>deteriorate neighbourhood communities, create parking problems, and worsen living conditions, we particularly acknowledge that flat conversions can provide increased housing options, especially for low paid and vulnerable tenants. They also create communal living opportunities to tenants who may find that desirable such as students or contract workers.</p> <p>We also acknowledge all other general considerations and principles outlined in the consultation document.</p>		
	<p>Guidance notes The NRLA is supportive of local policy from objectives set in the SPG that reinforces the importance of ensuring development does not harm local characteristics or hinder nearby residents' quality of life. This is especially important in conservation areas and for listed buildings.</p>	Noted	No change
	<p>Living Conditions We recognise that the SPG outlines that converted flats should offer occupants reasonable levels of light, space, privacy, ventilation, peace and quiet, noise attenuation, outdoor amenity space, parking, cycle storage and bin/recycling storage.</p>	Noted	No change
	<p>The NRLA is supportive of planning policy which outlines adequate provision for waste, recycling, and composting facilities. We also agree that it is not always appropriate for converted flats to have individual access to amenity space, but every effort should be made to improve access where appropriate within the confines of the building. We agree that while this is often sought after by some tenants, especially for families, it is not always possible or even desirable to provide access to</p>	Noted	No change

	<p>amenity space, which could include gardens, washing space or balcony areas and that it simply a matter of choice for individuals on where they wish to live.</p>		
	<p>Internal layout We fully agree that converted flats should offer their occupants reasonable living conditions. However, following consultation with members for a similar local authorities' SPG, there was concern over prescribed minimum bedroom sizes.</p> <p>During that consultation, it was suggested that minimum bedroom sizes would be both overly prescriptive and unhelpful especially as the priority should be maximising the use of buildings and ensuring high quality. It is particularly important to be flexible when considering the existing layout of the building. It would be more sensible if the minimum flat size was guidance with exception being given to those designs that are being considerate of the building footprint and have provided extra effort in innovative storage space in design to counter the smaller footprint. Given that in many cases the layout of Newport city centre buildings will mean that one or two units in a sensible conversion that is sympathetic to the building will not meet the 32 sqm, it should be considered as acceptable where it is clear the building as a whole has different size units reflective of the building footprint.</p> <p>There is a danger that by limiting the size, particularly for studio flats, to 32m², that a negative impact could occur for housing options especially for those on low incomes. By limiting options through legislation, some low waged workers will have less</p>	<p>Noted, but minimum bedroom sizes are required to ensure reasonable living conditions for all.</p>	<p>No change</p>

	<p>housing options and might be limited to HMOs. While HMOs are highly desirable for some, it is a question of choice and not everyone wants to share facilities with other occupants. We believe that there are many examples of good accommodation that may fall below the proposed levels. It should also be made clear; the guidance will only legislate flat conversions going forward from policy implementation should proposals be agreed.</p> <p>Looking specifically at minimum sizes of bedrooms for studio flats, there is also a possibility that the size stipulations could restrict development potential in some instances, due to the floor plan and financial viability of conversions. In these circumstances, we believe smaller sizes should be considered. We also believe that minimum bedroom sizes for non-studio conversions are unhelpful as the space required is dependent on the make-up of the persons living in the dwelling and the number of people. Furthermore, such a policy could further restrict the critical need of family sized accommodation made up of three- and four-bedroom dwellings.</p>		
	<p>We also believe that it is not desirable to mandate the prohibition of living rooms positioned next to, directly above or directly below a bedroom, regardless of the building fabric and acoustic insulation. While we agree that noise attenuation should be maximised, to prohibit the position of living rooms in this fashion would be overly prescriptive.</p>	<p>Noted, but design and layout mitigation measures are required to ensure reasonable living conditions for all.</p>	<p>No change</p>
	<p>Design While we agree that external alterations should be in keeping with local characteristics and in appearance of the streetscape, we</p>	<p>Within reason, the SPG requires that external alterations should be in keeping with local characteristics, but each case</p>	<p>No change</p>

	would point out that it is not always possible to fully match new doors and windows with existing sets especially for older properties, and that modern materials may provide better insulation, noise-proofing and energy efficiency than traditional.	will be dealt with on its individual merits	
	Noise We agree that developers of converted flats should ensure that dwellings in noisy areas should feature noise-attenuation and ventilation measures and that it is acknowledged that a degree of disturbance is to be expected especially in city centre areas. However, we would welcome more guidance for landlords and developers on this issue as everyone's expectation and threshold of what is considered noisy is different.	Noise-attenuation and ventilation measures should comply with Industry standards. Such reports should be submitted accompanying a planning application	No change
	Amenity space We agree that outdoor amenity space, whether a back garden or a patio, should be made available to the occupants of a converted flat, if possible. However, this should only be when access is reasonable depending on the property.	Noted	No change
	Access In terms of access, while we understand the reason behind recommending that access should be from the front of buildings and not from commercial areas, we believe that this proposal could be overly prescriptive, and it fails to acknowledge that for some properties, for example, end of terrace properties or those above commercial premises, access to the side or rear of dwellings would be better. .	Noted, but minimum standards are required to ensure reasonable living conditions for all.	No change
	Parking The NRLA are supportive of any measures and policies that encourage walking, cycling and the improved use of sustainable public transport. In this context, we recognise that parking is a key	Noted. Each planning application is considered on its individual merits.	No change

	<p>local issue with residential development and are generally supportive of proposed maximum car parking spaces. That said we are concerned that planning applications will be refused for those that are reliant on street parking. We believe that such applications should be treated on a case by case basis and how parking will impact the local community.</p>		
	<p>With regards to the storage of cycle parking, we believe it is not always possible to provide specific cycle storage outside of corridors or informal arrangements and that it is especially prohibitive with larger converted units.</p>	<p>Noted. Cycle parking forms part of overall measures to reduce the carbon footprint. Notwithstanding that, each application will be considered on its individual merits</p>	<p>No change</p>
	<p>Conclusion The NRLA is grateful for the opportunity to express our views on the SPG for flat conversations. We support many aspects of the SPG but would be grateful for consideration over our comments. We would also be grateful if the planning authority could clarify their position around developer's contributions especially towards local infrastructure and affordable housing?</p>	<p>Noted. The Planning Obligations SPG (January 2020) outlines the Council's position regarding infrastructure and affordable housing provision</p>	<p>No change</p>
<p>Natural Resources Wales</p>	<p>We've no comments to make on the draft SPG's in terms of our role as a statutory planning advisor.</p> <p>In terms of your screening reports for both SEA and HRA, we note you have screened out the Plan. We have considered the reasons given and have no adverse comments on the matter. If you have any queries please do not hesitate to contact me.</p>	<p>Comments noted, no amendments required.</p>	<p>No change</p>

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SHOPFRONT DESIGN
SUPPLEMENTARY
PLANNING
GUIDANCE

June 2021

Regeneration Investment and Housing

Newport City Council

Civic Centre

Newport

NP20 4UR

Mae'r ddogfen hon ar gael yn Gymraeg, gyda fformatau eraill ar gael ar gais /
This document is available in Welsh, with other formats available on request.

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1. Introduction

What is supplementary planning guidance (SPG)?

- 1.1 This Supplementary Planning Guidance (SPG) supplements policies in the adopted Newport Local Development Plan relating to high quality shopfront design and signage for both historic and contemporary shopfronts. Before it can be formally adopted, it has to undergo a period of public consultation. Once formally adopted as SPG, the guidance contained within this document will be a material consideration in the determination of relevant planning applications.
- 1.2 This SPG was formally adopted by Newport City Council on [DATE].

Which types of buildings does this SPG cover?

- 1.3 This guidance relates to all Class A1 (Retail), A2 (Financial and Professional Services) and A3 (Food and Drink), it also extends to other ground floor commercial premises with a fascia sign and / or display windows.

Why good shopfronts matter?

- 1.4 Shops are an essential element of the City's commercial activities and there is constant pressure to update and modify them. The design and appearance of commercial facades has a major role to play in maintaining and enhancing a quality built environment. Over time building elevations can become degraded as a result of inappropriate additions, loss of original features and poor levels of maintenance, therefore it is important that changes to building facades complement the street scene and character of the street scene.
- 1.5 It is not the aim of this SPG to provide a set of inflexible rules for new shopfronts or for alterations to existing ones, nor should this SPG restrain creative design. However, without a proactive and positive approach to shopfront design, new shopfronts or alterations to existing ones may be unsympathetic to the character of individual buildings and to the street scene in general.

The key objective of the guidance is:

- to ensure the creation and maintenance of high quality shopfronts; and
- to retain and reinstate traditional or historic facades.

Historic Shopfronts, Conservation Areas and Listed Building's

- 1.6 There are areas within Newport where stricter controls are applied to ensure the special character is protected; i.e. Conservation Areas, Locally Listed Buildings and Listed Buildings. In such settings sympathetic shopfront design and the use of appropriate and traditional materials will be expected to maintain and protect the character of the area or building. Where a traditional or historic shopfront or façade exists, the Council will encourage its retention. The enhancement of the design can be achieved through repair rather than replacement. Where a shopfront has been lost it can be re-established. This will involve careful research and design of a well-proportioned, resolved high quality modern design.
- 1.7 Newport City Centre has 15 Conservation Areas¹ which are areas of special architectural or historic interest. This means that when a Conservation Area is designated the Council has recognised that the area has a special character and identity which is worth protecting. The Council is required by legislation to preserve or enhance the individual character of each Conservation Area and therefore all new proposals which affect that special character have to be considered carefully.

¹ Conservation Area boundaries can be viewed at: www.newport.gov.uk/en/Planning-Housing/Planning/Conservation/Conservation-areas/Conservation-areas.aspx

2. Policy Context

Legislation

The Planning (Wales) Act (2015) and

The Well-being of Future Generations (Wales) Act (2015)

- 2.1 The Planning (Wales) Act 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 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.

The Town and Country Planning (Control of Advertisement) Regulations 1992²

- 2.2 All advertisements (shopfront signs) require consent, either from the local authority (Advertisement Application) or from the legislation governing adverts. Where an advert meets the criteria set out in the legislation, this is referred to as 'deemed consent'. This is subject to a number of conditions and limitations such as size, position on building and location etc.
- 2.3 In this regard, where a business and / or building owner is designing a scheme that would fall within deemed consent, they should still have regard to this guidance set out in this SPG when considering their design proposals.

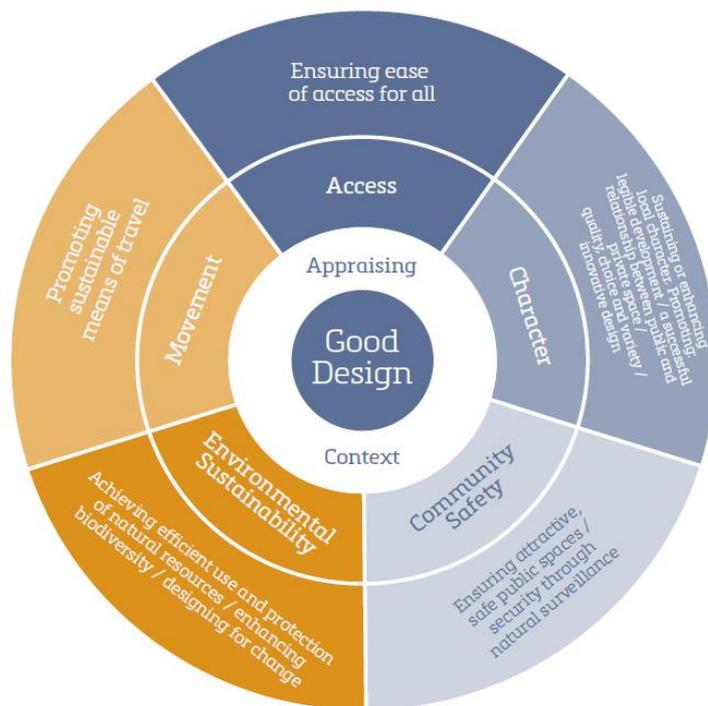
Even if local authority consent is not required, all advertisements must comply with any other relevant statutory provisions. For example, listed building consent may be required under the Listed Building Regulations (See paragraphs 3.3 - 3.4).

² The Town and Country Planning (Control of Advertisement) Regulations is available to view at: www.legislation.gov.uk/

National Planning Policy

Planning Policy Wales (Edition 10) (PPW)³

- 2.4 Planning Policy Wales notes that good design can protect and enhance environmental quality, which can raise public aspirations, reinforce civic pride and create a sense of place helping to attract business, promote social inclusion and improve the quality of life. It states Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales. These objectives can be categorised into five key aspects of good design



Technical Advice Notes (TAN's)⁴

- 2.5 **TAN 12: Design** - Discusses the importance of a clear understanding of the site and its immediate and wider context to enable a meaningful and sustainable design response. The general aspects of the “character” objective of good design should be pursued. This is reflected in the guidance for a sensitive or traditional approach in the distinctive design and proportions of shopfronts, signs, and lettering in historic areas.
- 2.6 **TAN 7: Outdoor Advertisement** notes the important economic implications of advertising should be recognised but that that designers should be prepared to compromise on matters of corporate design where it is unsuitable in a particular area. Designing and siting signs to harmonise with their setting a key factor in this design guide.

- 2.7 **TAN 24: The Historic Environment** notes that preserving the character or appearance of conservation areas and Listed Buildings is an important consideration and seeks to ensure alterations make a positive contribution to the appearance of the environment.
- 2.8 **TAN 20: Planning and the Welsh Language** notes that signs can be a method of promoting the distinctive culture of Wales, and seeks to promote the provision of bilingual signs.

Local policy

Newport Local Development Plan 2011 – 2026 (Adopted January 2015)⁵

- 2.9 The Local Development Plan (LDP) sets the policy framework that all development within Newport will adhere to. Specific LDP policies relating to Design and Quality of the Built Environment and Shopfront development include:
- SP9 Conservation of the Natural, Historic and Built Environment
 - GP2 General Development Principles – General Amenity
 - GP6 General Development Principles – Quality of Design
 - CE7 Conservation Areas
 - R1 – R11 Retail Policies
- 2.10 Policy GP6 is of particular relevance as it seeks good quality design in all forms of development and that new shopfronts should respect their context and seek to add interest and variety to the street scene. The fundamental design principles of the policy are set out below and they are detailed in sections 4 and 5 of this design guide.

Other Supplementary Planning Guidance

- 2.11 The Security Measures for Shopfronts and Commercial Premises SPG⁶ provide advice to businesses on how premises can be secured to a satisfactory level whilst maintaining a high quality environment that people want to shop in and can feel proud of.

³ <https://gov.wales/planning-policy-wales>

⁴ <https://gov.wales/technical-advice-notes>

⁵ Newport's LDP is available to view at: www.newport.gov.uk/en/Planning-Housing/Planning/Planning-policy/Local-Development-Plan/Local-Development-Plan.aspx

⁶ The Security Measures for Shopfronts and Commercial Premises SPG is available to view at: www.newport.gov.uk/en/Planning-Housing/Planning/Planning-policy/Local-Development-Plan/Supplementary-Planning-Guidance.aspx

3. Planning and Related Applications

- 3.1 Where a developer or property owner is proposing alterations to their property they must gain the relevant approvals. There are a number of permissions or approvals that may be required when proposing alterations and additions to their properties, some of those relevant approval processes are set out below:

APPLICANTS ARE ADVISED TO DISCUSS PROPOSALS WITH THE COUNCIL BEFORE STARTING WORK OR SUBMITTING AN APPLICATION – PLEASE SEE SECTION 12 FOR USEFUL CONTACTS

Planning Applications

- 3.2 Planning permission is generally required for any changes to the form, design or materials of a shopfront, as well as the installation of new shopfronts and external security measures. It may also be required to change the type of business carried out in the shop or convert the business to another use.

Listed Building Consent

- 3.3 If the shop is a listed building (or part of a series of listed buildings), Listed Building Consent will be required to carry out any internal or external alterations that affect the character and setting of a building(s). There is no fee do the application for listed building consent. General guidance on “Managing Change to Listed Buildings in Wales” is available from Cadw⁷.
- 3.4 Almost all advertisements on listed buildings will constitute an alteration to the building and therefore require listed building consent in addition to any advertisement consent. Special care is essential to ensure that any advertisement displayed on, or close to, a listed building does not detract from the integrity of the building's design, historical character or structure, and does not spoil or compromise its setting.

Advertisement Applications

- 3.5 All advertisements (shopfront signs) require consent, either from the local authority (Advertisement Application) or from the legislation governing adverts. (See Paragraphs 2.2 – 2.3). The Council recognises that advertising is essential to successful commercial activity.
- 3.6 The Council has a statutory duty to protect and enhance the special interest of the Conservation Area. This does mean that some types of advertisement that usually has ‘deemed consent’ requires approval from the Local Planning Authority.

- 3.7 Almost all advertisements on listed buildings will constitute an alteration to the building and therefore require listed building consent in addition to any advertisement consent. Special care is essential to ensure that any advertisement displayed on, or close to, a listed building does not detract from the integrity of the building's design, historical character or structure, and does not spoil or compromise its setting.

Building Regulations

- 3.8 In addition to planning requirements, the initial design of a building in the planning process needs to consider the ability of the building to meet Building Regulation requirements. Design should therefore be a fundamental consideration from the outset and should not be treated or developed in isolation. For further information on the requirements of Building Regulations you are advised to contact the Building Control section of the Council, see section 12 for useful contacts.

Financial Support

- 3.9 Financial assistance through grant or loan is sometimes available to assist businesses improve their properties, or to bring vacant/underused properties back in to use. For information on current Financial Support available, you are advised to contact the Council's Regeneration Team, see Section 12, for useful contacts.

⁷ <https://cadw.gov.wales/sites/default/files/2019-05/20170531Managing%20Change%20to%20Listed%20Buildings%20in%20Wales%2024303%20EN.pdf>

4. General Design Principles

- 4.1. The established principles of successful shopfront design have their foundations in Victorian and Edwardian architecture, which make up the majority of the City Centre, but can be applied successfully to any type of building. A well-designed shopfront should be in keeping with the style and character of the building which frames it, as well as the historic character of the area in which it is located.
- 4.2. Any future amendments to shop fronts in or near the Conservation Area should broadly seek to reinstate the elements present in historic shopfronts and basic proportions.
- 4.3. The following design principles apply to changes to all existing and new shopfronts, and forms the structure to this guidance document.
 - a. **Respond to the context**
Create unity and cohesion in the street scene by creating shopfronts that sit within the building - maintaining the scale, proportion, and rhythm of the building above.
 - b. **Conserving and enhancing character**
Enhancement of original architectural features, rather than hide or detract from them. Developments in the Conservation Area should pay particular attention to preserving and enhancing the character and appearance of the area.
 - c. **Signage and fascias should not be overbearing or over-sized**
Careful attention to the scale of the fascia, lettering, lighting, additional advertising having a negative impact on the street scene. Signage should be professionally installed.
 - d. **Incorporate security features, canopies, lighting and other additional building elements into overall design**
Additional elements should be incorporated into the building design and not have a negative impact on the street scene.
 - e. **Access for all**
Doorways and entrances should be obvious and accessible to people with disabilities.

5. Responding to Context

- 5.1. Over time, alterations to shop fronts can undermine the character and quality of an area. Good shopfront design will demonstrate an understanding of the context by relating well both to the building of which it is part and the streetscape it forms part of.



Fig 1. Shop front design responds to the built context creating a unified street scene

- 5.2. The shopfront is an important part of the overall building design and should not be considered in isolation. It is important to harmonise with the age and character of a building as a whole and be in proportion with the rest of the building.
- 5.3. When altering shop fronts, efforts should be made to reinstate the horizontal and vertical lines and the proportions of the parent building, as well as uncovering and reinstating lost architectural features where possible.
- 5.4. When considering vertical rhythm, it is important that both traditional and contemporary shopfronts sit within the structural opening defined by the original building framework, with structural columns or pilasters connecting the ground floor to the building above. Shopfronts that straddle separate buildings should acknowledge the architectural divisions above in their design. It is important to create the impression that the shopfront is the 'base' of the building above.

- 5.5. When considering horizontal lines, it is important that the cornice line and fascia size respect original proportions. Where a parade of shops sit within the same building consider creating a common approach.
- 5.6. The following figure demonstrate how alterations to shopfronts can negatively impact on the street environment by failing to respond to the character of the parent building.



Fig 2. Alterations to shop fronts that remove original details such as pilasters, stallrisers, and original fascias undermining the street scene and pedestrian experience.

Design Note 1

A shopfront is an integral part of the building as a whole and should be related to it rather than considered as a separate entity.

Design Note 2

The shopfront should sit within the structural opening at ground floor level.

Design Note 3

If a number of formerly separate units are combined to form a larger ground floor unit, the division of the building(s) at upper floor level should continue at the shopfront level.

6. Traditional Shopfront Design

6.1. Over time the classical design of shop fronts has evolved and include varying degrees of embellishment and decorative detail, however, traditional shop fronts tend to include the following elements which fulfil important architectural functions and provide consistency along the street:

Pilasters provide the vertical separation between shopfront units; the **Capital** forms the top of the Pilaster and the **Plinth** the base.

Cornice forms the top of the shopfront and provides a transitional element between fascia and first floor.

Fascia is the board where signage is traditionally found, with each end defined by the **Console** or **Corbels**

Stallriser creates a visual and structural base for the glazing of the window.

Transom which defines the upper section of the window and generally aligns with the top of the door. The window above the door is known as a **Fanlight**, whereas windows above the transom are known as **Celestory windows**.



Fig 3. The key elements of a traditional shopfront are described more fully in the following sections.

- 6.2 When located in a Conservation Area or forming part of a Listed Building, retention and restoration of traditional, historic shop fronts will always be preferred to replacement. Any original features that have been concealed by later additions should be exposed and restored.
- 6.3 For all traditional shop fronts, future alterations should broadly seek to reinstate the existing features where present and recreate the proportions that are broadly consistent with the building they form part of.

Design Note 4

If a property has a good example of an original shopfront there shall be a presumption in favour of its restoration and enhancement rather than replacement, particularly when the building is Listed or forms part of a Conservation area.

7. Contemporary Shopfront Design

7.1. Modern shop fronts are characterised by lower stall risers, modern frame materials and less ornamentation. The vertical division between units will be defined by the structural column instead of the traditional pilaster. The typical components of a modern shopfront are illustrated below.

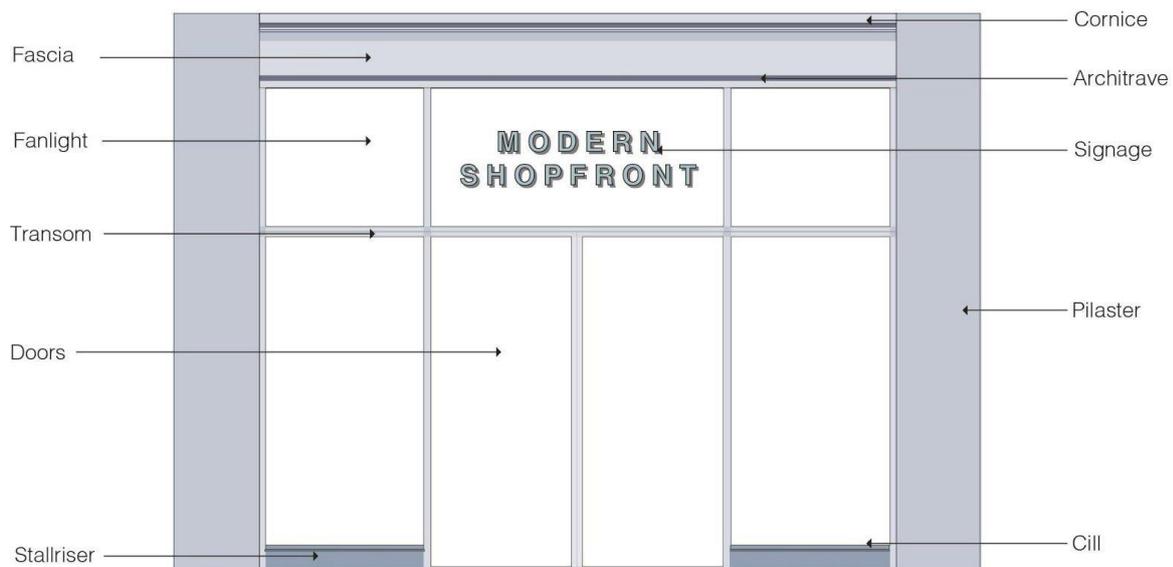


Fig 4. The key elements of a contemporary shop front

7.2 It is equally inappropriate to apply a traditional shopfront design to a modern building, as it is to apply a modern design to a historic building. The examples below demonstrate an appropriate, contemporary shop front design response to a 20th Century building.



Fig 5. Pillars at ground floor respond to those above



Fig 6. Shopfront forms part of building design

7.3 Contemporary shop front design should seek to:

- a. consider the style and age of the building it forms part of;
- b. be in proportion to the building above it and the properties adjacent to it;
- c. include a cornice or element that sits above the fascia to define the 'top';
- d. avoid overly large fascias; and,
- e. Use sustainable natural materials such as timber over UPVc and acrylic fascias and cladding.



Fig 7. Good example of contemporary shop front integrated into building design



Fig 8. Contemporary shop front with simplified stallriser, transom and doors



Fig 9. New retail unit subdivides shop into 3 structural bays to reduce the mass



Fig 10. Shop front design forms part of overall building, with relatively restrained signage

Design Note 5

New contemporary shop fronts must form a part of the overall building design, while alterations must respond to the scale, proportion and rhythm of the building.

8. Conservation Areas and Listed Buildings

- 8.1. Newport's Conservation Areas are recognised for their townscape and historic value. The Council will seek the retention of traditional shopfronts and advice should be sought from the Planning Department in advance of works to avoid doubt. Contact details for the Duty Planning Officer can be found at the end of this document. To find out if a shopfront is in a Conservation Area, is Listed or is part of a Listed Building, visit www.newport.gov.uk and search by address on 'My Newport' under 'My Maps'.
- 8.2. If the shopfront is Listed (or part of a Listed Building), you must apply for Listed Building consent to carry out any internal or external alterations.
- 8.3. Shopfront design should respect the architectural language, proportion and style of the appropriate historical period. Traditional shopfront design is appropriate for the Victorian or Edwardian context of the City Centre Conservation Area.
- 8.4. Within the Conservation Area, retaining and reinstating existing features that contribute to the special character of the area is especially important. It is important to investigate beyond the superficial appearance since sometimes later additions conceal original shop fronts that can be restored.

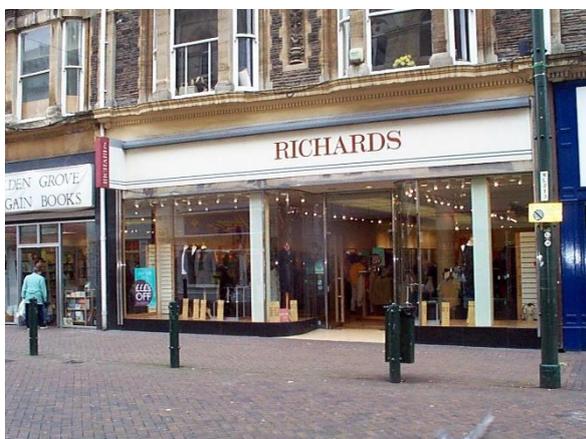


Fig 11. High quality 1950s curved shop front at 29 High St

- 8.5. It should be noted that there are a number of good quality buildings and shopfronts from later periods that contribute to the character of the area. Care should be taken to ensure the qualities of these later buildings should also not be undermined or undervalued.

- 8.6. Replacing materials like-for-like to the original will preserve the special character of a building and new design proposals should be informed by buildings of similar historical character or based on archival evidence if the original design or materials have been lost.

- 8.7. Poor quality imitations of historical shopfronts should be avoided. Poorly designed shopfront alterations that detract from the character of the parent building or local area will be refused. Advice related to the design of individual architectural elements can be found in the following sections.
- 8.8. Applicants should consider appointed a suitably experienced architect or a fitter/contractor with experience of historic buildings.

Design Note 6

Proposals within the Conservation Area or within Listed buildings should retain and reinstate existing features. Where restoration is required, new design proposals should be informed by buildings of similar historical character or based on archival evidence and materials replaced on a like-for-like basis.

9. Design Elements

9.1 Fascia Design and Lettering

- 9.1.1 The fascia is a horizontal band, situated vertically under the edge of a roof displaying the shop title or name. The scale and position of the fascia sign is crucial to the advertisement of the company as well as its contribution to the aesthetics of the building and overall streetscape.
- 9.1.2 The fascia should not dominate the facade. Special consideration should be given to the scale, materials, colour, lettering and illumination of the fascia sign to ensure it fits with the building and the street.
- 9.1.3 Where possible, fascias should be aligned to neighbouring properties, by keeping to a standard width, normally that of the capital (the topmost member of a pilaster). This promotes a more attractive street scene and also ensures that each shopfront retains its original, balanced proportions.



Fig. 12 Fascia with a standard width



Fig. 13 Fascia enclosed by capitals

9.1.4 Where a store occupies several units, each should have a separate fascia, linked visually by a common design. One continuous fascia would be visually over-dominant and cut across the pattern of the terrace.



Fig.14 Image showing how replacement shop front spanning building severs relationship with building

9.1.5 Fascias should be no deeper than 20% of the shopfront's overall height. Fascias should not obscure, damage or project in front of visually significant architectural details, including first floor window cills.



Fig 15 left: Replacement fascia obscured celestorey;

Fig 16 above: Traditional shopfront next to shopfront where fascia sits lower exposing blank facade

9.1.6 Treating clerestories (high level windows) in a way which makes the fascia look deeper (i.e. by placing additional signage over them) should be avoided. This can imbalance established proportions and harm the appearance of the shopfront and the street.

9.1.7 In Conservation Areas, all fascias should be finished by a well-defined cornice. Corbels can be plain or highly decorative and are encouraged to add a design feature to the shop front.



Fig. 17 Decorative corbels



Fig. 18 Well-defined cornice

Design Note 7

Fascias should be in proportion to the design of the building and should not be dominating, no more than 20% of the total shop front.

Design Note 8

A fascia should not span more than one property to ensure the proportions of the frontage are maintained with strong vertical divisions between the units.

Design Note 9

Retention or maintenance of an existing traditional fascia is encouraged. New fascias should not be placed over existing boards.

Design Note 10

In Conservation Areas and listed buildings original cornices and corbels should be maintained, restored or reinstated.

9.2 Signage and Advertising

- 9.2.1 The main sign associated with a shop is usually located on the fascia board. However, signage may also be accommodated upon the glazing and through hanging signs. The size, location, colour and design of signs can greatly enhance or detract from the appearance of a shop.



Fig. 19 Unified approach to fascia signage



Fig. 20 Simple and effective signage

- 9.2.2 Signs should not be excessively large and should relate to the pedestrian users of the street. Box fascias should be avoided. Lettering and graphics should be moderately sized and in proportion to the fascia. Clear, well spaced letters are just as easy to read as larger oversized letters.
- 9.2.3 The sign should be limited to the name of the shop with a simple graphic logo and the street number. Too much information which creates visual clutter will not be acceptable.
- 9.3.4 Welsh language and bilingual signage can enhance the character of Newport and promote the city and its culture. Options to display signage in both English and Welsh should be considered as part of shopfront design proposals.
- 9.2.5 Where an overly large fascia or sign exists in a shop front, requiring alteration or reinstatement, the Council will encourage its removal and replacement by a fascia appropriate to the building.

- 9.2.6 An excessive number of signs are unacceptable.
- 9.2.7 Avoid putting additional signs onto storeys above the shop. Large external banners and advertising posters should not be hung from upper storeys.
- 9.2.8 Only in exceptional cases, such as users of upper storey premises, will moderate amounts of advertising be allowed at higher levels. This will normally be restricted to signwriting to windows and similar restrained use of signs.
- 9.2.9 Signwriting on traditional shop fronts was traditionally hand painted. This is strongly encouraged. Individually 'cut out' lettering can also appear attractive, however the degree of scale and projection should be carefully considered.



Fig. 21 Attractive 'cut out' lettering



Fig. 22 Contemporary take on hand-painted sign



Fig. 23 Painted sign creates a tasteful and high impact corner feature

9.2.10 Hanging signs are acceptable if they are hung using metal brackets that suit the style of the building, with no more than one per unit. The height of these signs should be proportionate to the fascia, and should be hung at least 2.4m from pavement level and should not project more than 800mm from the building.

9.2.11 Projecting box signs are generally not acceptable.

9.2.12 Free-standing illuminated signs hung within the window-display should also be avoided.



Fig. 24 Examples of quality contemporary hanging signs Fig. 25 Good examples of traditional hanging signs

9.2.13 Corporate signage and branding should not dictate the style of the shopfront, the signage and the appearance of the fascia.

9.2.14 Corporate identity should be appropriate to the scale and character of the shopfront and building as a whole. It should not overpower the aesthetic, although contemporary interpretation of traditional themes can be acceptable.



Fig. 26 Sensitive addition of corporate signage



Fig. 27 Paint used to give traditional shop front corporate style

Signage for Traditional Shopfronts

Design Note 11

Signs on shops should be sited at the fascia level and should be integrated into the shopfront.

Design Note 12

The use of traditional methods and materials e.g. hand painted lettering and timber fascia boards are encouraged.

Signage for All Shopfronts

Design Note 13

Avoid the use of box fascias.

Design Note 14

The inclusion of one hanging sign is only appropriate for the shopfront, when located at the fascia level and made of timber and/or metal fittings.

Design Note 15

Signage and advertising on upper floors should be limited in amount.

Design Note 16

Corporate brands may need to compromise to ensure the character of the building and street scene is maintained.

9.3 Pilasters and Vertical elements

- 9.3.1 Pilasters are the vertical columns at each side of the shop front, providing a visual division between shopfronts.
- 9.3.2 Pilasters should always follow the same rhythm and style as the building above. By doing this, the pattern of the building above is consistent from its base, up to the eaves.
- 9.3.3 Whatever the building, pilasters and capitals or structural columns are a component part of a successful shopfront and should always be present as they help to define one unit from another and create structure and order in the streetscape.
- 9.3.4 Historical research, particularly from old photographs is encouraged to provide the opportunity to reinstate hidden or absent historic architectural pilaster features in the same style. In the City Centre, a decorative masonry pilaster is often present yet covered or half covered with timber.
- 9.3.5 The materials used for the development of a new pilaster should be compatible with the rest of the building design and the street scene.

Design Note 17

Original pilasters and associated features should not be altered or removed and if necessary reinstated.

Design Note 18

The pilasters must be treated in the same way creating an identical frame, on both sides of the shop front.

Design Note 19

A traditional pilaster is made up of a base, shaft and capital. Together these features should be proportionate creating a detailed feature of the shop front.

9.4 Windows

- 9.4.1 Glazing bars, transoms or mullions are sometimes appropriate to allow recessed doorways, frame entrance ways and create a more intimate scale.
- 9.4.2 The method of subdivision of the shopfront glass should suit the character of the shopfront as well as the design of the building, including the position, size and proportions of the first floor.
- 9.4.3 Traditional style windows and glazing types should be encouraged on historic buildings. Where traditional details are discovered, they should be preserved and repaired, restoring the historic shop front to its original design and quality.
- 9.4.4 Treatments to glazing, such as panelling, etching, reflective or tinted glass, which is used to provide signage or restrict the view into a shop, should be kept to the very minimum necessary. However, glazing types which include etched effect graphics can supplement the main signage of the unit and should be encouraged provided it is proportional to the windows, the shopfront and the building as a whole.



Fig. 28 Sign limited to name, logo and number



Fig. 29 Visually 'clean' window sticker with positive contribution to street scene



Fig. 30 Listed building with excessive signage creating visually busy street scene



Fig. 31 Dominant use of window stickers obscures view into the shop

9.4.5 Graphic window displays which cover the majority of a shop window are generally discouraged and are unacceptable on listed buildings or within a conservation area. Covering shop windows with stickers can turn shop fronts into oversized advertising hoarding and detracts from the character of the area and appearance of the building.

Design Note 20

Divisions of glazing through the use of moulded transoms and mullions are encouraged and should reflect the proportions of upper floors.

Design Note 21

Windows should clearly display shop goods therefore stickers, posters and notices should only take up around 10% of any window. Sensitive signage using an etched glass effect is encouraged.

9.5 Doors

- 9.5.1 Doors should adhere with the character of the building and should allow access for all in line with the Equality Act and Part N of the Building Regulations as explained in more detail in section 12.
- 9.5.2 The style and character of the shopfront and building should be reflected by the design of the doorway.
- 9.5.3 Doorways must be easily recognised. In Newport, doorways are often recessed and splayed. It is important that original recessed doorways are retained and enhanced as they contribute to the richness of the streetscene and complements its character.



Fig. 32 Recessed doorway detail

- 9.5.4 The use of security gates that block the recess at night time is a traditional security measure but the quality of the metal work and proportionate height and width of the gate must not have a negative impact on the shopfront, care must be taken as to its impact when the gates are not in use.
- 9.5.5 Where decorative mosaic tile work is used at the threshold between the pavement and shop door, special attention should be paid to retaining and enhancing this feature.

- 9.5.6 Glazed doors should have visually contrasting areas, such as opaque glazing, sign, logo or decorative features in order to indicate their closed position.
- 9.5.7 In order to ensure that upper floor levels are capable of being used, a separate, identifiable entrance to the upper floors will be supported. The entrance will need to relate satisfactorily to the rest of the ground floor treatment and being of appropriate scale, design, and materials.

Design Note 22

The provision of a separate entrance to the upper floors of a building as part of a shopfront scheme will be encouraged and proposals which seek to remove existing entrances will be resisted.

Design Note 23

Doorways should be easily distinguishable in the facade: recessing, or use of a detail colour or material can achieve this.

9.6 Suspended Ceilings and Mezzanines

9.6.1 Where a false or suspended ceiling exists or is being inserted within the shop it will not be appropriate to increase the depth of the fascia to conceal the edge of the ceiling. Other methods must be considered to conceal suspended ceilings, such as, setting the suspended ceiling back from the window or forming a splayed bulkhead, or linking it into a transom rail with obscured glazing above the rail.



Fig 33 Example of suspended ceiling concealed behind opaque glass above transom



Fig 34 Example of suspended ceiling concealed behind opaque glass above transom

9.6.2 Similarly, when a mezzanine floor is being inserted, it is not appropriate to increase the fascia board to disguise its presence, rather, opaque glass should be used above the transom.



Fig 35 Example of mezzanine floor inserted in a traditional setting, changing the proportion of the original shopfront



Fig 36 Row of contemporary retail units where mezzanines have been designed in to double height units

- 9.6.3 In a traditional setting, it is also not appropriate to introduce new clear glazing to the mezzanine in place of the traditional shopfront as this will disrupt the horizontal rhythm along the street. There are opportunities to carefully reorganise floorspace behind a facade without disrupting the vertical and horizontal rhythm of the street, which can be considered on a case by case basis.
- 9.6.4 In new and contemporary buildings, mezzanines with double height spaces at the front of the store are often attractive and are often an appropriate response to the scale and form of the building.

Design Note 24

Suspended ceilings and mezzanines should be either disguised from the street with opaque glass, or set back from the shopfront with a splayed bulkhead or similar.

9.7 Stall risers

- 9.7.1 Stall risers form the 'base' of the building, and form an important part of the shop front. Traditionally the stallriser was used to make the shopfront more secure, to protect from accidental knocks, and to create a display area closer to the eye.
- 9.7.2 It is a feature of the shopfront that serves a functional and visual purpose. In Conservation Areas and on Listed buildings a stallriser will be required. For contemporary shopfronts, designs should incorporate a stallriser in most instances.
- 9.7.3 Existing stall risers with decorative features of quality should be retained.
- 9.7.4 Materials used should always respect and enhance the materials of the whole building and shop front. The stall riser should be finished in a quality hard wearing material which is easy to clean. Historic tiling, where present should be retained and enhanced.
- 9.7.5 Stall risers should not exceed 25% of the total shop front. Those that do exceed this height appear to dominate the shopfront, this is unlikely to be accepted. The stall riser should typically be in proportion with the plinth supporting the pilaster. A cill detail should be included between the glazing and the stall riser.



Fig. 37 Shop missing the 'base' that stall riser provides



Fig. 38 Timber stall riser in proportion to pilaster

Design Note 25

Proposals for traditional shop fronts which are devoid of stall risers and are glazed right down to floor level are unlikely to be acceptable.

9.8 Lighting

- 9.8.1 Lighting should be considered as part of the overall design rather than a later addition. Subtle lighting can add vitality to the night-time street scene but poorly designed illuminated signs are unattractive.
- 9.8.2 Externally mounted lighting fixtures are preferred on more traditional shop fronts. The lighting units themselves should be subtle and not divert attention away from the fascia. However, on modern buildings, there may be greater scope to consider a range of concealed light sources provided they are not overly dominant in the street scene.



Fig 39 Sensitively designed externally mounted Lighting *Fig. 40 Subtle lighting with all wiring concealed*

- 9.8.3 Illumination of hanging signs and box signs of any form are not acceptable. However, well crafted, elegant signs making use of thin fluorescent tubes, that only illuminate the lettering or graphic, may be considered.
- 9.8.4 Illumination of signs should be subtle and well directed to avoid glare, all wiring and trunking should be concealed.
- 9.8.5 Over-illumination must be avoided. Inconsistent illumination of shops will spill into the public realm and increase the level of light on the streets at night in addition to street lights. Areas of bright light allows for dark areas, in particular pedestrian routes and small lanes, having the potential to attract crime. Swan neck lamps and large spotlights can also create pools of light and areas of shade, which is not supported.

- 9.8.6 Subtle internal window lighting to promote vitality in the street and aid security at night time is encouraged.
- 9.8.7 Intermittent, flashing and moving displays are also not permitted as they can have a negative effect on streetscape
- 9.8.8 Listed buildings and all buildings within conservation areas should only install lighting that is sensitive to the character of the building/area. Illumination of signs or advertisements will only be permitted where it is demonstrated that there is a positive contribution to the preservation and enhancement of the area/building.
- 9.8.9 Overall, careful consideration must be given to the environmental impacts of lighting and illumination, and how these effects can be mitigated.

Design Note 26

Illuminated fascia signs may be acceptable but should not be unduly intrusive.

9.9 Canopies and Blinds

- 9.9.1 A shop canopy or blind is an element that would require planning permission, they can be an attractive feature and complement the streetscape if their design is sensitive to the street and building context in which the shop is set. They can also create a sense of enclosure which is desirable for window shoppers or to shelter external tables and chairs.
- 9.9.2 The appearance of the awning is important and its material should be durable to protect against the sun and rain. The colour should correspond to the shopfront and fascia and should not act as the primary sign for the shop with lettering kept to a minimum, limited to the name of the company or business. Logos and branding is acceptable in some circumstances, however, bold advertisement should be avoided.
- 9.9.3 The installation of 'Dutch' blinds or canopies are often a way of providing additional advertising. They are discouraged as they are often made from materials that are highly reflected, brightly coloured and tend to obscure parts of the façade and details of the building. They also do not fully retract into the building.



Fig. 41 'Dutch' canopy obscuring frontage



Fig. 42 Retractable canopy defines seating zone

- 9.9.4 In many cases, the most appropriate form of blind or canopy is a fully retracting fabric blind, projecting downwards from below the fascia. The blind should be a minimum of 2.4m above ground, and should be able to retract fully. Large or long stretches of canopy which overwhelm the building or street should be avoided, a single canopy should not span across more than one structural bay.

- 9.9.5 A blind or canopy should sit within the structure and not detract from architectural features. Blind boxes should not project forward of the building line or sit uncomfortably above the cornice. It may be possible to fit the blind box on the underside of the structural soffit.
- 9.9.6 A fully retractable, canvas material would usually be the only suitable type of blind for a building of special character. A 'blind lath' which forms part of the cornice, would be the suitable mechanism for retracting the blind, as it could be made barely visible when not in use.

Design Note 27

The blind should be a minimum of 2.4m above ground, and should be able to retract fully. A single canopy should not span across more than one structural bay.

9.10 Materials

- 9.10.1 In historic areas the use of traditional materials is encouraged, with high quality modern design elsewhere. Materials should harmonise with the character of the building, this can be implemented by ensuring that existing materials are maintained and restored, using materials and colour sensitively, and selecting materials that are durable and attractive. Shiny, reflective material and harsh colours are discouraged.
- 9.10.2 Efforts should be made to preserve and repair shop fronts on older buildings where materials are original. Some of the best early examples tended to be high quality metals (often bronze) often in combination with marble. It is important that these high quality materials should not be painted over.
- 9.10.3 Fascia panels should be made of solid natural timber and not a lower grade equivalent that may delaminate. Historically, some fascia panels were formed from glass panels, for example in the Newport Arcade.
- 9.10.4 Poorly fixed and historically inaccurate mouldings will not be permitted, particularly within a conservation area.
- 9.10.5 A far wider range of materials can be used on newer/ more modern buildings. However, designers should avoid the use of acrylic sheeting, Perspex, plastic, standard natural finish aluminium, unpainted softwoods, and plywood, chipboard, MDF or other timber composite panels that are prone to delamination .

Design Note 28

In areas of historic interest, materials should harmonise with the character of the building

Design Note 29

Materials should be attractive, high quality, durable and should be carefully selected.

9.11 Colours

- 9.11.1 Garish or lurid colour schemes will not be encouraged. The cumulative impact of inappropriate colours can be detrimental to the overall character of the street scene.
- 9.11.2 Monotone, muted, matt finish paint combinations can result in a stylish high quality scheme. These types of colours will promote a sophisticated image, especially appropriate in a heritage context.
- 9.11.3 In the Conservation Area, colours for the shopfronts and rendered buildings should reflect the historic character of the architecture. Sensitive use of colours and materials which respect the age and setting of the building can improve the impact of the shopfront on the street scene.
- 9.11.4 It is important that the whole elevation has a colour scheme. In general the depth of the colour of the shopfront should be richer, with paler tones to the upper floors.
- 9.11.5 When selecting a colour scheme, it is useful to check the colour choices of the adjoining premises so that they complement one another. The Council encourages property owners and tenants to work together to create harmonious/vibrant groups of buildings, which will add greatly to the visual quality of the City Centre.
- 9.11.6 The original shops within the City Centre’s conservation area date from the Victorian and Edwardian era. Traditionally these would have been painted with deeper tones. Deeper tones create a greater contrast between the shop front and the window display, drawing attention to the goods on sale. Some suggested colour combinations which may be appropriate are outlined below:

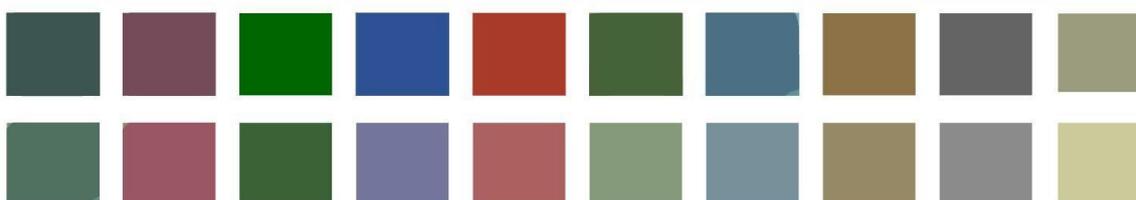


Fig. 43 Suggested colour swatches

9.11.7 The colour tones outlined on the previous page are guidelines not rules. It is important that applicants consider the needs of their building as well as individual design flair when choosing a colour palette. It is, however, important that applicants are able to demonstrate that their proposals will add to the quality and character of the street.

Design Note 30

The colour and materials should be appropriate to the building and should not detract from its external appearance.

Design Note 31

Garish or lurid colour schemes will not be encouraged.

9.12 Rainwater Goods

- 9.12.1 In the Conservation Area, gutters and downpipes are traditionally made of cast iron, with hopper heads at the top of downpipes and discharge chutes often made into decorative features. Where original rainwater goods exist they should always be retained and refurbished.
- 9.12.2 Cast iron is the preferred material for rainwater goods in the Conservation Area. It is very important, however, that drainage is well maintained as leaks are a frequent source of water ingress into historic buildings.
- 9.12.3 It is common that downpipes are integrated into the shop front design, e.g. through the console or encased in the pilaster. This approach is encouraged and should be retained if it is an established feature.
- 9.12.4 In Conservation Areas, rainwater goods should be painted in dark tones to reduce their visual prominence. Painting downpipes in a very bright and contrasting colour to the main facade which makes them stand out should be avoided.



Fig. 44 Downpipe concealed between pilasters



Fig. 45 Decorative cast iron rainwater goods



Fig. 46 Pipe incorporated into corbel design, with paint colour used to 'camouflage'

- 9.12.5 Although not as durable as cast iron, aluminium rainwater goods may also be acceptable. Plastic Rainwater goods would not be appropriate in Conservation Areas or on a Listed Building, but may be acceptable elsewhere.

9.12.6 Lead flashing on top of the cornice and an adequate drip edge detail for the window cill should be considered at the outset.

Design Note 32

Attention to architectural detail to ensure rainwater adequately runs off the shopfront, and minimise the visual impact of rainwater goods.

10. Security

- 10.1. The Council will seek to adopt a balanced approach to shopfront security. Shopfronts should be designed using materials that make burglary and petty vandalism very difficult, and be implemented in a way that makes the City feel safe and attractive to people outside of trading hours.
- 10.2. Security measures should not dominate the shopfront or facade since this will compromise the quality of the environment and ultimately make the place less attractive for shoppers.
- 10.3. Solid and pinhole shutters are unacceptable in the City Centre or the District Centres identified in the Development Plan. The punched (letter box) type is also unacceptable in and near Conservation Areas. Shutters are not acceptable on Listed Buildings. Where physical measures are required, they should be sympathetically integrated into the design of the shopfront.
- 10.4. Planning permission is required for all externally mounted security grilles/shutters. Listed building consent is usually required if proposals for both externally and internally mounted grilles/shutters. If security shutters are proposed the applicant should refer to the Council's Supplementary Planning Guidance on Shopfront Security Shutters⁸.
- 10.5. Laminated glass should be used on all schemes. Laminated glass resists penetration – the outer glass may break but the interlayer retains overall integrity and continues to act as a barrier. It therefore protects against break-ins by preventing or slowing down burglary attempts. Laminated glass protects against vandalism and brief attacks using easily available objects. It is capable of withstanding repeated blows from heavy objects such as bricks, hammers, crowbars and similar hand held heavy objects.
- 10.6. The correct grade and thickness specified for the application depends on the value of goods on display, degree of risk, estimated time needed by thieves to break in and enter. Using this type of glass will negate the need for roller shutters

⁸ Security Shopfront Shutters SPG is available to view at: www.newport.gov.uk/en/Planning-Housing/Planning/Planning-policy/Local-Development-Plan/Supplementary-Planning-Guidance.aspx



Fig. 47 Sensitive integration of CCTV



Fig. 48 Untidy wiring degrades the street scene

- 10.7. The use of security devices such as CCTV, alarm systems, security lighting can also greatly reduce crime. The placement of security equipment on a building frontage, should not detract from the character or architectural integrity of the building and should allow architectural details to remain visually prominent. Associated wiring should be hidden or at least neatly fixed. All fixings should be made of nonferrous materials.
- 10.8. Recessed doorways should be illuminated to deter crime.

Design Note 33

The placement of security equipment on a building frontage, should not detract from the character or architectural integrity of the building.

11. Access for all

- 11.1. The proposed design must allow access to all in accordance with the Equalities Act 2010 and Part M of the Building Regulations (Access to and Use of Buildings), which set out statutory provisions for minimum standards relating to door widths and ramped access to entrances of public and commercial properties.
- 11.2. Particular sensitivity must be applied to listed buildings and buildings in Conservation Areas, where the requirement to make suitable access provision must be balanced against the need to retain the essential character of the building and its setting. For this reason it may not be possible to adopt potential solutions to improve access.
- 11.3. Considerations should be made in the design of shop fronts in regards to those with physical or sensory impairments. Entrances to shops should be well defined, wholly transparent doors should be avoided, as these may not be apparent to the partially sighted.
- 11.4. The following principles can also improve accessibility to shops:
 - Entrances should have a front width of at least 12000mm and have a depth of at least 800mm;
 - Entrances should be level or ramped (no greater than 1:14);
 - Long tubular handles with returns are preferred to pad handles. Handles should be easy to grasp and offer support;
 - A rail should be provided at the entrances and/or across the door no higher than 1000mm off from the ground;
 - Entrance should be made easy by lightweight doors;
 - Signs such as 'push' 'pull' etc. should be clear and visible; and
 - Ironmongery should contrast visually with the surface of the door.

Design Note 34

It is important that all new development enables adequate access for all persons in accordance with the Equalities Act 2010 and Part M of the Building Regulations (Access to and Use of Buildings).

12. Contact Details

Duty Planning Officer

The duty planning officer is available to answer general queries on Mondays and Thursdays, on public and bank holiday weeks, they will be available on Tuesday and Thursday.

Email: planning@newport.gov.uk

Telephone: (01633) 6566556

www.newport.gov.uk/en/Planning-Housing/Planning/Contact-the-planning-team.aspx

Pre Application Advice

Before making a planning application you are encouraged to seek pre-application advice. There is a charge for this service.

www.newport.gov.uk/en/Planning-Housing/Planning/Planning-permission/Pre-application-advice.aspx

Conservation Officer

Email: planning@newport.gov.uk

Telephone: (01633) 6566556

Building Control

Email: Building.Control@newport.gov.uk

Telephone: (01633) 6566556

www.newport.gov.uk/en/Planning-Housing/Planning/Building-control/Building-control.aspx

Regeneration

Email: Matthew.Tribbeck@newport.gov.uk

Telephone: (01633) 6566556

www.newport.gov.uk/en/Business/Financial-assistance/Grants/Business-grants.aspx

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**AFFORDABLE HOUSING
SUPPLEMENTARY PLANNING
GUIDANCE**

June 2021

Regeneration, Investment & Housing

Newport City Council

Civic Centre

Newport

South Wales

NP20 4UR

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1 EXECUTIVE SUMMARY

- 1.1 This Supplementary Planning Guidance (SPG) sets out the Council's requirements for affordable housing, to ensure new developments help to meet the City's housing needs and create mixed, sustainable communities. This SPG expands upon the planning policies set out in the adopted Local Development Plan and outlines how the Council expects affordable housing to be delivered as part of new residential developments.
- 1.2 This SPG will be a material consideration in the determination of all planning applications for residential development including applications for the renewal of consents.
- 1.3 Developers are encouraged to discuss their proposals with the Planning and Strategic Housing sections of the City Council and with the Registered Social Landlords which cover the Newport area, as soon as they are looking to develop a site. Their contacts are set out in Appendix 1 and 2.
- 1.4 The costs, income, rent, Acceptable Cost Guidance (ACG) levels and housing need figures will change over the life of the SPG. Applicants should ensure that applications are prepared using the most up-to-date figures.

Housing Need

- 1.5 Newport City Council has produced a Local Housing Market Assessment (LHMA) to identify housing need within its area. The LHMA covers the period from 2013-2018 (and, therefore, is subject to review). However, currently Newport requires 690 dwellings per year (based on an average of the 15 year requirement of the LDP) of which 593 dwellings need to be affordable. This would require 86% of all housing constructed to be affordable. Newport City Council has worked with the development industry to look at viability of new-build housing sites and it would not be possible to facilitate this level of affordable housing delivery; as such the Council has set an affordable housing requirement ranging from 10% to 40%, depending on the location of the development. A plan illustrating the sub-markets in Newport is set out in Appendix 4.

Tenure

- 1.6 Affordable Housing should be delivered through the Neutral Tenure method. Neutral Tenure means that the tenure of the units will depend on the occupants' financial circumstances and can, therefore, vary between rented accommodation and intermediate housing over time. In order to provide certainty for the development industry, the value paid for the units will be determined using the Welsh Government's Acceptable Cost Guidance (ACG) or successor scheme.

Standards

- 1.7 The developer will be required to build the housing units to meet the current design quality standards of the Welsh Government at the date the agreement is signed.

Costs & Viability

- 1.8 The Local Planning Authority accepts that the expected provision of affordable housing can affect the land values for residential development at a given location. However, developers are expected to have taken account of planning policies and this guidance (and its effects on land values) before entering into land and property negotiations. Pre-application discussions are advised with planning and housing officers. Contact details are set out in Appendices 1 and 2.
- 1.9 The Council will use an industry recognised Appraisal Toolkit to assist in the calculation of appropriate levels of affordable housing. Where a scheme is claimed to be unviable, developers will be required to provide a financial viability assessment on an 'open book' basis. If this is not possible the default values will be used. These values have been agreed with the Home Builders Federation (HBF). The financial viability assessment provided will be treated as commercially sensitive and, as such, will not be released under the Freedom of Information Act.
- 1.10 If agreement cannot be reached regarding development viability, a District Valuer may be appointed at the developer's expense. Please refer to the Planning Obligations Supplementary Planning Guidance for further details.

Delivery Mechanisms

- 1.11 The delivery of affordable housing on new private housing developments will be secured through agreements made under Section 106 of the Town and Country Planning Act 1990 (as amended). The future introduction of the Community Infrastructure Levy will not change this procedure.
- 1.12 All financial contributions made 'in-lieu' of affordable housing provision, will be spent, in line with the Local Housing Strategy, on one or more of the following which are all compliant with TAN2 definition of affordable housing:-
- The provision of affordable housing, on an alternative site, by a RSL;
 - The purchase and refurbishment of problematic empty properties by a RSL, which will be managed as affordable housing;
 - Mortgage rescue, to ensure the occupant does not have to move out of an adapted home, if repossession is threatened;
 - The development of supported or specialist housing;
 - The conversion of larger properties or commercial properties to provide additional affordable housing;
 - Any other measures that increase the provision of affordable housing.

2 POLICY CONTEXT

National Policy Framework

Planning Policy Wales

- 2.1 Planning Policy Wales (PPW) provides the overarching national strategic guidance with regards to land use planning matters in Wales. It states that “New housing development in both urban and rural areas should incorporate a mix of market and affordable house types, tenures and sizes to cater for the range of identified housing needs and contribute to the development of sustainable and cohesive communities”
- 2.2 Affordable housing is defined in PPW for the purposes of the land use planning system. It is “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. However, it is recognised that some schemes may provide for staircasing to full ownership. Where this is the case there must be secure arrangements in place to ensure the recycling of capital receipts to provide replacement affordable housing. Affordable housing includes social rented housing owned by Local Authorities and Registered Social Landlords and intermediate housing where prices or rents are above those of social rent but below market housing prices or rents. All other types of housing are referred to as ‘market housing’, that is private housing for sale or rent where the price is set in the open market and occupation is not subject to control by the Local Planning Authority.”
- 2.3 PPW goes on to note that “if, having had regard to all material considerations, the Local Planning Authority considers that the proposal for a site does not contribute sufficiently to the objective of creating mixed communities, then the Authority will need to negotiate a revision of the mix of housing or may refuse the application”.

Technical Advice Note 2: Planning and Affordable Housing

- 2.4 The purpose of Technical Advice Note (TAN) 2: Planning and Affordable Housing (June 2006), is to provide practical guidance on the role of the planning system in delivering affordable housing. Affordable Housing is defined as housing provided to those whose needs are not met by the open market. Affordable housing should meet the needs of eligible households, including availability at low enough cost for them to afford, determined with regard to local incomes and local house prices; and include provision for the home to remain affordable for future eligible households, or if a home ceases to be affordable or ‘stair-casing’ to full ownership takes place, any subsidy should generally be recycled to provide replacement affordable housing.
- 2.5 The TAN gives a strong presumption that affordable housing will be provided on the application site so that it contributes to the development of socially mixed communities.
- 2.6 The TAN advises that targets and thresholds should be set for affordable housing,

but balanced against the need to ensure site viability. Planning authorities may apply

their policies on sites below the threshold where they can demonstrate that those sites are capable of delivering more housing than proposed, and which would then be above the threshold, and/or are part of a larger site above the threshold, and/or are integral to the development of sustainable communities.

- 2.7 The TAN notes the potential for rapid changes in the housing market and therefore there is a justification for a flexible approach to targets and thresholds. This approach is being monitored as part of the LDP process; more details are set out in Para. 2.12.

Local Policy Framework

Newport Local Development Plan 2011 - 2026

- 2.8 The Local Development Plan (LDP) policies relating to affordable housing are set out below.

Policy H4 - Affordable Housing

ON-SITE PROVISION OF AFFORDABLE HOUSING WILL BE REQUIRED ON ALL NEW HOUSING SITES OF 10 OR MORE DWELLINGS WITHIN THE SETTLEMENT BOUNDARY, OR 3 OR MORE DWELLINGS WITHIN THE DEFINED VILLAGE BOUNDARIES.

THE AUTHORITY WILL SEEK THE PROVISION OF AFFORDABLE HOUSING IN ACCORDANCE WITH THE RELEVANT SUBMARKET AREA TARGET NOTED BELOW;

**40% CAERLEON AND RURAL NEWPORT
30% ROGERSTONE AND WEST NEWPORT
20% EAST NEWPORT
10% MALPAS AND BETTWS**

(A Plan of these areas is set out in Appendix 4 of this SPG)

SPECIFIC SITE TARGETS MAY VARY SUBJECT TO VIABILITY AND NEGOTIATION.

FOR NEW HOUSING SITES OF FEWER THAN 10 DWELLINGS WITHIN THE SETTLEMENT BOUNDARY, OR FEWER THAN 3 DWELLINGS WITHIN THE DEFINED VILLAGE BOUNDARIES, THE COUNCIL WILL SEEK A COMMUTED SUM CONTRIBUTION. THE AFFORDABLE HOUSING SPG CLARIFIES THE METHODOLOGY FOR CALCULATING THE COMMUTED SUM PAYMENTS.

Strategic Policy SP10: House Building Requirement outlines the overall affordable housing target for the plan period. **The Strategic Policy SP13:** Planning Obligations, provides the basis for the Council to seek relevant benefits for the community by means of planning obligations, including for affordable housing.

Detailed Policy H4: Affordable Housing (above) sets out the need for on-site provision, thresholds, targets, viability assessments and the use of commuted sums. These factors are dealt with in detail within this SPG.

Policy H5: Affordable Housing Exceptions sets out the provision for the development of affordable housing on sites adjacent to or within the settlement boundary which would not otherwise be released for development.

- 2.9 The policy basis for securing affordable housing is well established in Newport, and increasing emphasis is being placed upon the role the private sector can have in its delivery. These policies have been developed and examined taking into account financial viability across all sub markets within Newport. The viability work took account of the costs involved in developing a site, including policy requirements and whether this still allowed a reasonable return for the landowner and developer. The Council recognises that there may be a need to negotiate in some cases with developers on viability issues. The objective of the policy is to provide affordable housing units to meet local need but at a level that ensures the development remains viable.
- 2.10 The Council will expect applicants to have taken into account the likely cost of providing the affordable housing when purchasing land subject to alternative use values.
- 2.11 The Council considers that the targets are reasonable and will constitute the norm. Only where evidence of exceptional need is justified, as set out in Section 5 of this SPG, will a lower level of provision be acceptable.
- 2.12 The plan period runs until 2026 and throughout this period the Plan will be subject to annual monitoring. There is a monitoring target (OB4 MT7) within Chapter 12 of the LDP that reviews the changes in residual values across the submarket areas of Newport. An increase or decrease of 5% of residual value will trigger a review of the affordable housing area of the Plan which may lead to an updated policy and SPG. Any review will be subject to consultation.

Community Infrastructure Levy

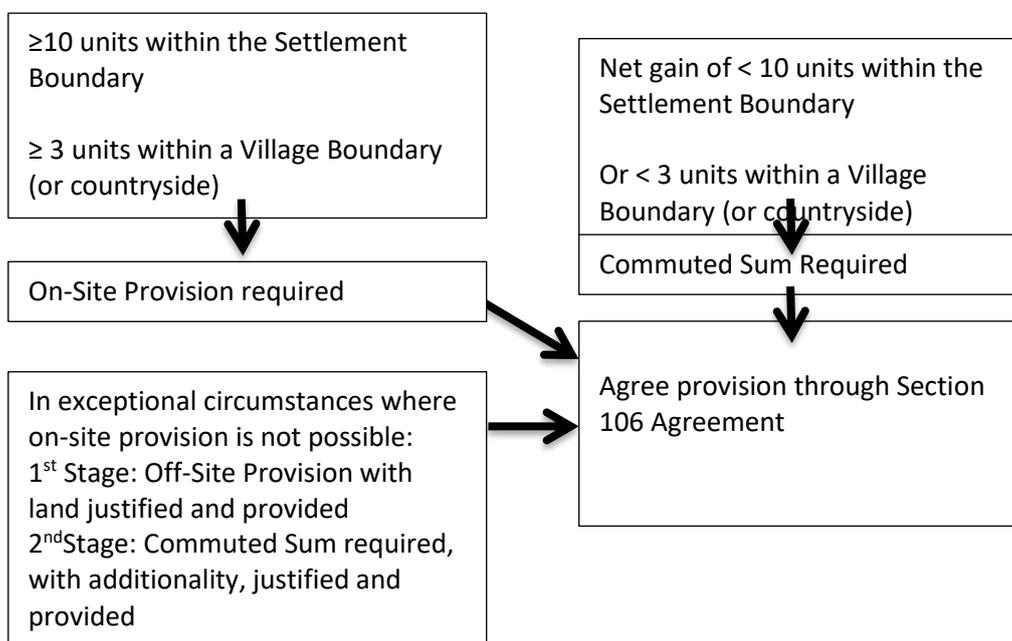
- 2.13 The Community Infrastructure Levy (CIL) was introduced by the 2008 Planning Act and has been brought into operation by the Community Infrastructure Regulations 2010. The CIL is designed to be a mechanism whereby new development would contribute to the provision of the new or improved infrastructure. Affordable housing will remain subject to Section 106 and is not included within the scope of CIL. Negotiations on affordable housing will therefore continue as previously. However, in the circumstances where a developer submits a financial viability assessment to seek reduction in the required proportion of affordable housing, this should take into account the cost of any CIL liability and other site-specific Section 106 obligations required to make the proposed scheme acceptable in planning terms.

3 EVIDENCE OF NEED

- 3.1 The production of Local Housing Market Assessments (LHMA) has been specified by Welsh Government. The aim is to enable local authorities to develop an understanding of the nature and level of housing demand and need in their local housing markets. Newport has undertaken a LHMA in 2013 to inform the LDP process; it identified a net affordable housing requirement of 86%.
- 3.2 The LHMA found that like many areas, property prices in Newport have fluctuated significantly in the last 10 years. As of April 2018, the average house price in Newport was £167,000, which is £14,000 more than the Welsh average.
- 3.3 Between 2001 and 2011 Newport saw its resident population grow from 137,011 people in 2001 to 145,736 in 2011. One of the reasons for this is Newport's relatively youthful population in that between 2001 and 2011 many of the population that were children in 2001 would have grown up and had families of their own. Another reason is increased migration to Newport, particularly international migration. At the time of the 2011 census around 5% of Newport's population was born outside the UK. Undertaking this housing market assessment has identified the need for 593 new affordable housing units per year.
- 3.4 The need for affordable housing therefore remains acute. Economic recession may have some impact on the propensity to form separate households, and will also have an effect on the type of tenure sought, but will have little impact on the base population level, apart from some possible variations in migration flows. Therefore, the population to be housed will be largely the same, whatever the state of the economy.
- 3.5 Housing demand and need in local housing markets is subject to change, particularly over a 15 year plan period. The level of need will be subject to review and developers are advised to contact the Housing Development Manager, see Appendix 1 for contact details, for an up to date position.

4 HOW THE POLICY WILL BE APPLIED

- 4.1 Affordable housing contributions will be required on **all** residential developments that result in a net gain of dwellings (i.e. C3 of the Use Classes Order (including studio flats and bedsits) and Houses in Multiple Occupation (whether classified C4 or Sui Generis within the Use Classes Order), in accordance with the requirements of LDP **Policies H4 and H5**. A flow chart as to the process to be undertaken is provided below.
- 4.2 Where the proposal meets the threshold of Policy H4 an **on-site provision** is required. The level of provision may result in a requirement which is a fraction of one affordable unit. In this case Newport will round the figure up or down, e.g. 30% of 25 units is 7.5 which would be rounded up to 8 units, similarly 30% of 11 units equals 3.3 which would be rounded down to 3 units.
- 4.3 Applicants should be aware that affordable housing provision is exempt from contributions towards leisure and education planning obligations.
- 4.4 On sites below the threshold then the developer can meet their requirement by paying a **commuted sum**. Details of how commuted sums are to be calculated are set out in Section 5 of this SPG.
- 4.5 There is provision in policy to deliver affordable housing in or adjoining settlements where land would not otherwise be released, as set out in Policy H5. This affordable housing exception would require local need to be evidenced and for all residential dwellings on this site to be affordable, as defined by National Planning Policy.
- 4.6 Landowners and developers are advised to make early contact with the Local Authority to clarify requirements and discuss relevant issues, including density, and how best to achieve a mutually acceptable approach to achieving a good quality and appropriate development. This would usually take the form of pre-application advice, which is subject to a charge. All information for this service can be found on the Council's website. Relevant contacts in the Local Authority are included in Appendix 1.



- 4.7 There are a number of factors that influence the provision of affordable housing e.g. the size of the proposal, tenure, design and delivery. It is acknowledged that certain types of development may find it challenging to provide a contribution, e.g. conversion from commercial uses where the net gain is low (3 units). However, this will need to be evidenced; see the Small Sites Viability Assessment in Appendix 7 for more details. Each factor and the Council's approach/requirement for them are set out in detail below:

Size Thresholds

- 4.8 Policy H4 will apply to residential developments (including mixed use, conversions and change of use) within the settlement boundary (urban area) of 10 dwellings or more; or for developments within the village boundaries the threshold is 3 or more units. For development in the Countryside see paragraph 4.16 for further details.
- 4.9 Where sites are **sub-divided**, the Council will seek to secure an appropriate amount of affordable housing, as if the whole site were to be developed. Where a site is adjacent and related to a previously developed site, subsequent developers will be expected to make provision to reflect the numbers on the combined parts of the site.
- 4.10 On **outline** planning applications a presumed density will be calculated in order to determine whether the trigger for affordable housing will be met.

Location of Affordable Housing

- 4.11 The policy states that the affordable housing provision should be made **on-site**. This will help in the creation of inclusive, mixed communities as required by National Planning Policy.
- 4.12 The percentage of provision of affordable housing differs between **submarket areas** as set out in Policy H4. The submarket areas are divided by postcode and a plan is shown in Appendix 4.
- 4.13 **Off-site** provision of affordable housing will only be allowed in exceptional circumstances and where there is a clear advantage to the arrangement. It will need to be acceptable in planning terms, conforming to the Newport Local Development Plan. The onus is on the developer to set out these exceptional circumstances and how their proposal will address the need. Such considerations would include bringing existing housing back into affordable use, or that the off-site location is closer to local facilities. The developer would also have to demonstrate that the delivery of the off-site affordable dwellings is assured. This could be, for example, through a formal agreement with a housing association about the provision of the units; and there are a sufficient number of affordable units proposed. The number of affordable units should be based on the combined total of the units on both (or all) sites. The site will then be transferred to the Affordable Housing Provider at nil cost.
- 4.14 Where there are over-riding difficulties in providing the required affordable dwellings, either on-site or off-site, and this has been evidenced through a viability assessment, there will be a mechanism for a commuted sum to be paid by the developer to

discharge the affordable housing requirement. In those exceptional circumstances where off-site provision is permitted under this guidance, the total provision required by Policy H4 will be provided in monetary form. The sum is to be calculated on the basis of the number of units being those required as an offsite contribution i.e.

$$\frac{\text{No of units on main site} \times \text{affordable housing \%}}{\text{Off-site factor}} = \text{total number of off-site affordable units}$$

- 4.15 Once the number of affordable units has been calculated using the formula above then the commuted sum required will be calculated using the methodology set out in Section 5 of this report.

Development in the Countryside

- 4.16 The Plan restricts residential development within the Countryside, however, where development is considered appropriate, any net gain of residential dwellings will be required to provide a provision of affordable housing. The scale of development will decide the level and type of contribution i.e. a development of 3 or more units would be required to provide on-site provision. Viability will be taken into account on a site by site basis if necessary. The level of provision will be in accordance with the sub-market area the development is located as set out in Appendix 4. The provision of on site, off site or financial affordable housing contributions is set out elsewhere in this report.

Affordable Housing Targets

- 4.15 The percentages required for each of the submarket areas is set out in table 1 below. A plan of the extent of these areas is set out in Appendix 4 or can be viewed on interactive map at www.newport.gov.uk. These percentage figures have been based on the analysis of viability across Newport.

Table 1: Submarket Affordable Housing percentages

40%	Caerleon and Rural Newport
30%	Rogerstone and West Newport
20%	East Newport
10%	Malpas and Bettws

House Types and Accommodation Types

- 4.16 The mix of house types should reflect local need; this information can be established from the Council's Housing Strategy Service on a site-by-site basis in accordance with the particular needs of the community in which the site is located.
- 4.17 Affordable housing is required in a range of sizes and types. The mix of property types will be influenced by the circumstances of each site, topography, proposed market housing and evidence of housing need including any potential specialist provision. Developers will be expected to liaise with the Council over the mix of affordable units to be built.

Tenure

- 4.18 In line with Welsh Government guidance the preference throughout Newport is for 'neutral tenure'. This is defined as **housing whose tenure is not predetermined, but may vary according to the needs, means and preferences of the household to whom it is offered**. In all cases an RSL will be the most appropriate body to act as agent, to ensure the benefit of affordability is retained in perpetuity.

Delivery and Financial Arrangements

- 4.19 The preferred arrangement will be for developers to build the affordable housing themselves and to transfer it to a Registered Social Landlord (RSL). RSLs are non-profit making organisations, regulated by the Welsh Government, working jointly with Local Authorities. Types of accommodation should be agreed with the Local Authority (see below), and when complete will be transferred to the social housing provider at the relevant percentage of the Welsh Government Acceptable Cost Guidelines (ACG). ACG is currently set at 50% within Newport and it is the standard cost of providing affordable housing including the various costs of development e.g. construction. Model planning agreements to satisfy these requirements for transferring accommodation are set out on Appendix 5.
- 4.20 The Council has a long-term joint commissioning partnership with RSLs to secure the strategic provision of all types of housing accommodation. This covers minimum standards of service in management terms, allocation of Social Housing Grant, specialisms of the Housing Associations and the long-term allocation of affordable housing sites. A list of Housing Associations developing in Newport is included at Appendix 2. Other Housing Associations may just manage rather than develop accommodation. The Council will normally allocate a Housing Association to each site where affordable housing is to be provided on the basis of that RSLs development capacity, grant monies available, other properties in the area, rental levels and other relevant issues.
- 4.21 The financial calculation required of the developer, for those sites below the threshold and required to provide a commuted sum, is set out in Section 6.
- 4.22 The proportion of different types of affordable housing required will need to reflect current assessments of need, as set out in Appendix 3 and Section 3 of this report.
- 4.23 Occasionally, it may be appropriate for the developer to transfer fully serviced, remediated land to the registered social landlord, rather than build the accommodation. In this case, this should be done at no cost to the social housing provider and with a contribution of 30% of ACG towards build costs.

Service Charges and Ground Rents

- 4.24 Rents or purchase price are usually seen as the main measures of affordability, but the whole cost of occupation could be significantly higher where service charges and/or ground rents are also payable, for example in a block of apartments. Where there are to be service charges and/or ground rent then these should also be set at an affordable level if properties are to be classed as affordable. If at the time of

determining a planning application the level of service charge or ground rent is not known, an appropriate condition or section 106 agreement clause will be applied.

Development Appraisal Toolkit

- 4.25 Newport City Council has taken the lead, along with other Local Authorities in South Wales, in procuring a version of the Development Appraisal Toolkit from Three Dragons Consultancy. This has been customised with local data and is used to allow financial appraisals of development sites to be undertaken. The model allows sites to be appraised with typical local costs and values, or specific ones if these are made available. The Toolkit is widely used in Wales and allows calculations to be undertaken on a site by site basis as to what is a realistic level of planning obligations be provided by a developer under section 106 of the Town and Country Planning Act 1990 (as amended). Going forward, the Council may continue to utilise this Toolkit or any other industry recognised financial appraisal toolkit

Abnormal Development Costs

- 4.26 The Council, through the Local Development Plan, expresses a clear priority for the re-use of 'previously developed land'. This "brownfield strategy," as well as making good use of the land itself, helps to bring visual and wider environmental benefits while contributing to the more general regeneration of the whole area. Such sites do, however, sometimes have abnormal development costs, especially where remediation of contamination from former uses is required. In these cases, if insistence on the full proportion of affordable units would render the development unviable, then the developer may seek a reduction in the requirement in order that the development might proceed. Any such negotiation would need to be on an "open book" basis, providing a financial viability assessment including appropriate supporting evidence of costs and value. Appendix 6 sets out a Viability Assessment Checklist which sets out the level of information the Council will require in this instance to analyse the viability assessment provided by the developer. Where all parties are unable to agree the level of provision, the District Valuer will be appointed (at cost to the developer/owner/applicant) to provide an independent financial viability assessment. All parties with an interest in the development have to agree to the appointment.

Phasing

- 4.27 The occupation of general needs housing should be linked to the completion and transfer of the related affordable units. On large developments this should be phased so that the affordable housing is provided in step with the general housing. Appropriate trigger points should be included in planning agreements (see Appendix 5). This should help in the creation of inclusive, mixed communities. These requirements will apply wherever the affordable housing is to be provided.

Perpetuity

- 4.28 Most affordable housing will be managed by an RSL and the properties allocated through the Common Housing Register. In the unusual circumstances where an RSL is not involved, it will be necessary for there to be appropriate long term occupancy arrangements, which may be secured through planning conditions or planning

obligations. In these cases, the Council will require full nomination rights, which will

be exercised according to the Council's allocations policy as current at the time. The key requirement is that any housing that is provided as affordable should remain in the affordable stock each time there is a change of occupant.

Special Needs

- 4.29 Where the affordable housing to be provided is designed to meet specialist housing needs at the behest of the City Council, an appropriate reduction in the proportion of affordable housing may be allowed to reflect the additional cost and a greater land take of such dwellings. Specialised accommodation may be required for elderly persons' dwellings or for those with disabilities. Adjustments to financial calculations would then be required as higher grant rates are normally required. Due to the extra cost of these types of accommodation, fewer units may be required in order not to increase the total cost to the developer.

Design and distribution

- 4.30 In order to meet the objective of creating inclusive, mixed communities, it is important that the affordable elements of a housing scheme should be well integrated into the scheme as a whole. This means that they should not be segregated, and should preferably be dispersed throughout the development. Integration will also be assisted by the use of a common design theme through the development and if the developer also builds the affordable housing.
- 4.31 The preference for the construction of units to be undertaken by the developer means it will help to ensure consistency in the design and materials used in the development as a whole and contribute to the social inclusion agenda. Dwellings should be constructed to the requirements of the Welsh Government relevant at the time the section 106 agreement is signed. Details of current requirements can be obtained from either the Housing Section at the City Council, Registered Social Landlord's or the Welsh Government.
- 4.32 It will be appropriate for higher density parts of a development to be located near to public transport routes and other facilities. Generally no more than 18 apartments should be clustered together and no more than 12 houses. All Affordable Housing will need to be constructed to the latest requirements of Welsh Government. This standard is currently the Design Quality Requirement (DQR), which also includes Secure by Design, Lifetime Homes and attainment of Part L1a of Building Regulations. The Council will require all affordable housing to be built to the floor areas set out in the Welsh Government Acceptable Cost Guidance document.
- 4.33 Householder permitted development rights may be withdrawn so that control may be exercised over the enlargement or alteration of dwellings in ways that would change their affordability for future occupiers.

5. COMMUTED SUMS

5.1 There are only two situations where commuted sums will be utilised by the Council.

1. Where exceptional circumstances have been justified.

Justification would be determined by practical planning issues such as the need for achieving sustainable development and the acceptance of the future management of the affordable properties by housing associations. Only then may the Council come to the conclusion that the commuted sum approach is deemed appropriate.

Or,

2. Where the housing development does not meet the threshold set out in Policy H4.

5.2 The Authority will seek to prioritise spending commuted sums in the submarket area in which they are generated. If following 3 years, no suitable scheme has been identified within the submarket area in which the sums were generated, then the Authority will widen the spending area. This will include the area where the sums were generated, as well as any other submarket area for a further 2 years. If following a total of 5 years from receipt the contribution has not been spent or committed to be spent, it will be returned to the developer at a rate adjusted to reflect interest over 5 years.

5.3 The Council is utilizing 2015 ACG figures when calculating commuted sums. Whilst these figures were updated in January 2018, it has been concluded that due to viability constraints, the commuted sums achieved more accurately reflect the 2015 figures.

Commuted Sums in Exceptional Circumstances–The Calculation

5.4 There is a high need for affordable units across Newport and this methodology sets a cost based on need, ACG values and affordable housing threshold percentages.

Step 1: Establish the affordable housing need across each sub-market area by unit type (i.e. 90% of need is for 1 bedroom flats in Newport West)

Step 2: Establish the average ACG cost of all units types combined per submarket area – define the ‘straight average’

Step 3: The average ACG costs are weighted to factor in submarket need. Therefore the higher need for 1-bed flats in Newport West is reflect in the ‘weighted average cost’ of a unit.

Step 4: Establish the proportion of the true ACG unit value against the straight average (i.e. Newport East 1 bed ACG is £73,764 – the Newport West straight average for all properties combined is £125,531. Therefore the proportion is 59%)

Step 5: Multiple the weighted average for each sub area against the proportions established in step 4.

Step 6: Divide the figure 2, to represent the 50% of the ACG applicable to a developer, and multiply it by the affordable housing threshold set within each submarket area e.g. 10%-40%.

The full background calculations and justification is available to view in Appendix 7.

The resultant Commuted Sums per unit are as follows:

Submarket	1bed flat	2bed flat	2bed house	3bed house	4+bed house
Rural Newport	£13,150	£18,399	£23,847	£25,591	£32,118
Newport West	£8,580	£12,176	£15,320	£16,492	£20,641
Newport East	£4,695	£6,671	£8,346	£8,990	£11,246
Malpas & Bettws	£2,747	£3,914	£4,833	£5,214	£6,513

Commuted Sums in Exceptional Circumstances—Replacing physical provision

5.5 Where exceptional circumstances have been justified (see paragraph 5.1) and the on-site and off-site provisions cannot be met, and this is agreed by the Council, then a commuted sum will be required. Once the exceptional circumstances have been agreed with the Council the contribution will need to be calculated. It will not be calculated in the same fashion as development which does not meet the thresholds of Policy H4. The sum is to be calculated on the basis of the number of units required as an offsite contribution, see the formulae below:

$$\frac{\text{No. of units on main site} \times \text{affordable housing \%}}{\text{affordable Off-site factor}} = \text{total number of off-site units}$$

- Off-site factor calculation:

Affordable Housing Threshold	Number of Affordable Housing units required
10%	$X \text{ units} \times 0.1 / 0.9 = Y \text{ units}$
20%	$X \text{ units} \times 0.2 / 0.8 = Y \text{ units}$
30%	$X \text{ units} \times 0.3 / 0.7 = Y \text{ units}$
40%	$X \text{ units} \times 0.4 / 0.6 = Y \text{ units}$

5.6 Once the affordable housing requirement has been calculated, using the formula above, then the commuted sum cost will be calculated using the methodology set out in paragraph 5.4. Viability assessments may need to be provided to evidence whether a development cannot afford the sum. Such an assessment would need to be submitted covering all the points as set out in Appendix 6 of this report.

Commuted Sums – Below the Threshold

- 5.7 All development which falls below the thresholds set in Policy H4 will be expected to contribute sums in accordance with the following tables. These sums reflect the reduced viability of smaller developments.

Schemes of 1 or 2 units anywhere in Newport

Submarket	1bed flat	2bed flat	2bed house	3bed house	4+bed house
Rural Newport	£1,315	£1,840	£2,385	£2,559	£3,212
Newport West	£858	£1,218	£1,532	£1,649	£2,064
Newport East	£470	£667	£835	£899	£1,125
Malpas & Bettws	£275	£391	£483	£521	£651

Schemes of 3 units to 9 units within the defined settlement boundary

Submarket	1bed flat	2bed flat	2bed house	3bed house	4+bed house
Rural Newport	£5,260	£7,360	£9,539	£10,236	£12,847
Newport West	£3,432	£4,870	£6,128	£6,597	£8,256
Newport East	£1,878	£2,668	£3,338	£3,596	£4,498
Malpas & Bettws	£1,099	£1,566	£1,933	£2,086	£2,605

Commuted Sums–Spending the financial contribution

- 5.8 All financial contributions made ‘in lieu’ of affordable housing provision, will be spent, in line with the Local Housing Strategy, on one or more of the following which are all compliant with TAN2 definition of affordable housing:-

- The provision of affordable housing, on an alternative site, by a RSL
- The purchase and refurbishment of problematic empty properties by a RSL, which will be managed as affordable housing;
- Mortgage rescue, to ensure the occupant does not have to move out of an adapted home, if repossession is threatened;
- The development of supported or specialist housing;
- The conversion of larger properties or commercial properties to provide additional affordable housing;
- Any other measures that increase the provision of affordable housing.

Legal Agreements and Administration Fees

- 5.9 Developers will be required to enter into a legal agreement with the Authority to allow a contribution to be made towards affordable housing through the provision of commuted sums. The level of contribution is set out above but the Council would welcome pre-application discussions to ascertain the level of contributions.
- 5.10 It is advisable to submit the following information in order to avoid unnecessary delays with the processing and determination of a planning application:
- Land Registry Title and plan – proof of ownership of all the property and/or land affected by the application (site edged red). Given that planning obligations run with the land, all owners, lessees and mortgagees must be signatories;
 - Details of the solicitor that will be handling the case;
 - All other requirements outlined by the application form checklist.
- 5.11 For those individuals who are not employing their own solicitors and require the Council to draw up the agreement, they will need to send in their Land Registry title and plan . The Council will draft an agreement for them to sign and explain the procedure. A contribution to the legal costs incurred by the Council in drafting and negotiating the agreement will be payable. In addition to the legal fee, the Council charges an Administration Fee for progressing and monitoring the S106 legal agreement (please see the Planning Obligations SPG for further detail.
- 5.12 Should an application be approved, subject to the signing of a Section 106 agreement, the decision notice relating to that application should be issued within 3 months from the date of the resolution. Where evidence is provided by the applicant, to the Council's satisfaction that the agreement cannot be signed within the prescribed period, then a variation on the time limit will be considered on a case-by- case basis. Should this information not be forthcoming, the Local Planning Authority reserves the right to refuse the application based on the non-completion of the S106 agreement.

Payments of Commuted Sums

- 5.13 The timing of payments is to be agreed through the legal agreement process. Staged payments will be linked to the phasing of the development, allowing the developer to generate income prior to payment of the fee.

Worked Examples

Example 1

Developer X is proposing to build 8 units, all 3 bed houses, in the Lliswerry Ward.

The Lliswerry Ward has two affordable housing targets; to confirm the affordable housing target for the area the developer should use the plan illustrating the sub market areas in Appendix 4. The proposed development is in the north of the ward and therefore the affordable housing target is set at 20%.

Commuted Sum			
Bed Type	(A) Commuted Sum per unit	(B) Number of Houses	(A)x(B) Total Commuted Sum for the total scheme
3 bed	£899	8	£7,192 Or £899 per unit

Example 2

Developer Y is proposing to build 9 units in the Lliswerry Ward. This is made up of 3, 3-bed houses, 3, 2-bed houses and 3, 4-bed houses.

The Lliswerry Ward has two affordable housing targets; to confirm the affordable housing target for the area the developer should use the plan illustrating the sub market areas in Appendix 4. The proposed development is in the south of the ward and therefore the affordable housing target is set at 40%.

Commuted Sum			
Bed Type	(A) Commuted Sum per unit	(B) Number of Houses	(A)x(B) Total Commuted Sum for the Total scheme
3	£10,236	3	£30,708
2	£9,539	3	£28,617
4	£12,847	3	£38,541
TOTAL		9	£97,866 Or £10,874 per unit

6. DEFINITIONS/GLOSSARY

Acceptable Cost Guidelines (ACG)	ACG is a schedule of the standard cost of providing affordable housing in a particular location calculated by the Welsh Government. These figures are considered to represent all of the costs of development i.e. land purchase, construction works and on-costs. Each area in Newport is placed in one of four ACG bands to reflect difference in costs.
Affordable housing	<p>The term used to describe certain 'below market' price properties that are available either for sale or rent. Affordability determines whether people have the ability (financial resources) to satisfy their housing requirements by buying or renting on the open market without subsidy. Affordability can be assessed in a number of different ways, but each one depends on common factors that are crucial to the analysis. The affordability of any particular household will depend on the relationship between:</p> <ul style="list-style-type: none"> • the amount that the household is able to afford, and • the cost of appropriate local housing.
Affordable Housing Target/Requirement	The percentage of affordable housing required on a site as set out in Policy H4. In Newport there are four affordable housing targets depending on the area e.g. 10% target in Bettws, 20% in Lliswerry, 30% in Graig and 40% in Caerleon.
Affordable Housing Threshold	The threshold is the number of units which if met will be required to provide physical affordable housing units. This threshold is set in Policy H4 and is set at 10 units in the urban area and 3 units in the villages.
Common Housing Register	Newport City Council maintains the Common Housing Register from which all Housing Associations in the City allocate their properties regardless of tenure. Applicants are placed in one of four bands dependent upon their housing needs and circumstances. Properties are then advertised and interested applicants can bid for the homes, thus ensuring choice. The list incorporates people who are looking for specialist accommodation e.g. applicants with a physical or learning disability.
Design Quality Requirement (DQR)	Minimum space and technical standards required of all affordable homes constructed with the benefit of Social Housing Grant. These standards are set by the Welsh Government.
Exception Sites	As set out in Technical Advice Note 2: Affordable Housing, these are sites for 100% affordable housing to meet local needs, within or adjoining settlements, on sites where housing would not normally be permitted.

Intermediate Housing	Prices or rents are above those of social rent, but below market housing prices or rents. Shared equity schemes enable the resident to part-own the dwelling and pay rent on the remaining proportion. The remaining equity of these properties is retained by a third party, usually an RSL. The most common form of intermediate housing in Wales is Homebuy, a Welsh Government initiative under which an RSL provides an equity loan for an agreed percentage (usually 30% but up to 50% in some areas) of the property purchase price. The purchaser funds the balance through a conventional mortgage and savings. No interest is payable on the loan, but when the loan is repaid, the amount repayable will be the same agreed percentage of the value of the property at that time. The loan can be repaid at any time but must be repaid when the property is sold. Sub market rented housing is normally provided by an RSL with a local management presence.
Neutral Tenure/Flexible Tenure	Neutral Tenure refers to housing whose tenure is not predetermined, but may vary according to the needs, means and preferences of the household to whom it is offered. This incorporates the tenures described above. This arrangement gives flexibility in that it allows the tenure type of a property to change between occupiers, or even with the same occupier. So for example, on first occupation a house might be social rented, but when that occupier vacates the property, the next occupier may choose the Homebuy option. In another instance, a property might initially be rented, but if the economic circumstances of the occupier improve, they may choose to convert to Homebuy. Neutral tenure is the preferred tenure option in Newport.
Perpetuity	Technical Advice Note 2: Affordable Housing defines 'affordable housing' for the purpose of the land use planning system 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, i.e. in perpetuity.
Registered Social Landlord (RSL)	RSL is the term for a landlord registered with the Welsh Government, more commonly known as Housing Associations.
Section 106 Agreement	A legal agreement made under section 106 of the Town and Country Planning Act 1990, between a Local Planning Authority and the person, organisation or business that owns the land subject of a planning application, specifying, how various planning obligations are to be achieved. Section 106 agreements run with the land and apply to successive owners. The delivery of affordable housing will normally be through a section 106 agreement.
Social Housing Grant	The grant paid by the Welsh Government to Housing Authorities to aid the building of social housing programmes.
Social Rent	Social Rented Housing is housing available to rent at

	<p>affordable, below market levels. Lower rents are possible because the Government subsidises local authorities and registered social landlords (RSLs), who are the main providers of social rented housing in Wales. Social rented accommodation is allocated according to a needs based allocation systems administered by RSLs and/or the Council.</p>
Viability Assessment	<p>A report including a financial appraisal to establish the profit or loss arising from a proposed development. It will usually provide an analysis of both the figures inputted And output results, together with other matters of relevance. An assessment will normally provide a judgement as to the profitability (or loss) of a development, the requirements of such an assessment are set out in Appendix 5.</p>

APPENDICES

Appendix 1: Newport City Council Contacts

Housing

Michelle Aspey

Housing Manager Strategy

Tel: 01633 233650

Email: michelle.aspey@newport.gov.uk

Planning Contributions Manager

Alun Lowe

Tel: 01633 210087

Email: alun.lowe@newport.gov.uk

Development Management

West Area:

Stephen Williams

West Area Manager

Tel: 01633 210106

Email: stephenj.williams@newport.gov.uk

East Area:

Joanne Davidson

East Area Manager

Tel: 01633 210066

Email: joanne.davidson@newport.gov.uk

Appendix 2: Registered Social Landlords

Developing Affordable Housing Schemes in Newport

Newport City Homes

Nexus House

Mission Court

Newport

NP20 2DW

Tel: 01633 381111

Linc-Cymru Housing Association

387 Newport Road

Cardiff

CF24 1GG

Tel: 02920 473767

Melin Homes Ltd

Ty'r Efail, Lower Mill Field

Pontypool

Torfaen

NP4 0XJ

Tel: 08453 101102

Pobl Group

Exchange House

High Street

Newport

NP20 1AA

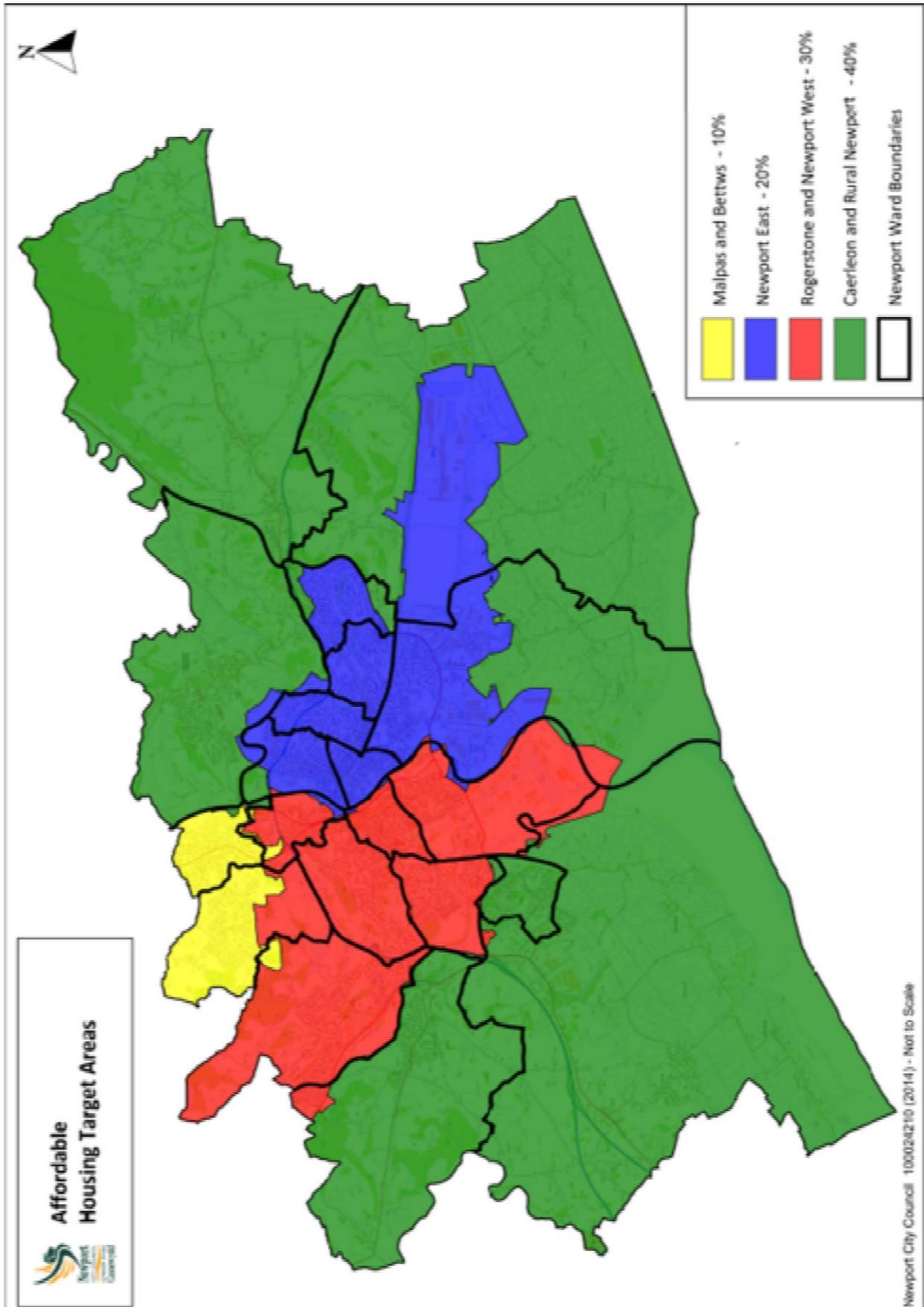
Tel: 01792 488288

Appendix 3: Housing Market Assessment Summary

- A3.1 The Local Housing Market Assessment has fully utilised the guidance provided by Welsh Government and is intended to cover the period from 2013 – 2018. The need for new housing in Newport, therefore, equates to the production of 690 units per year of which 593 need to be affordable. This would require 86% of all housing constructed to be affordable. Newport City Council has worked with the development industry to look at viability of new build housing sites and obviously it would not be possible to facilitate this level of affordable housing delivery. Affordable housing will also be delivered by bringing empty private sector homes back into use and by housing associations delivering new homes on land in their ownership. The tenure of these units will be neutral, i.e. this will be dependent upon the applicants circumstances, if they can afford to purchase a share they can, otherwise they can rent their home.
- A3.2 The housing market analysis will be undertaken on an annual basis and will therefore review the supply of affordable housing delivery as well as fluctuations in the housing waiting list and inward and outward migration as well as changes in the mortgage market.
- A3.3 This is all obviously a dynamic situation and therefore these figures can change. Advice regarding the delivery of affordable housing on specific sites can be obtained from the Housing Strategy section at the time of obtaining planning permission, their contact detail are in Appendix 1. The need for accommodation for people over 55 years as well as the needs for people requiring specialist or adapted accommodation has also been included within these figures. The common housing register includes all applicants and properties are advertised to enable all applicants to have a choice of area within the City. Applicants whose physical circumstances mean that a property may only require a minor adaptation can often be accommodated in standard housing. On occasions there is the need to purpose build specific accommodation for applicants with a physical or learning disability; this is accomplished with guidance from either social services or the health authority, who also advise on the suitability of location.
- A3.4 Proposed changes to the welfare benefit system will also have an impact on the housing situation causing pressures and increased demand in the private rented sector.
- A3.5 There has been a significant increase in housing need within the City since the last housing market assessment was undertaken. This is only to be expected when there has been an increase in the population as a whole, economic migrants moving to Newport, as well as the City becoming an asylum dispersal area.
- A3.6 There have been increased pressures on availability within the private rented sector and many individuals and households priced out of the home ownership market, either by limited mortgage finance being available or the requirement for large deposits.

- A3.7 When previously estimating housing need, the consultants took into account that the multiple housing registers in operation at that time would have meant an element of double counting. When the Common Housing Register was implemented it was found that people registering on multiple registers was considerably less than was first envisaged and, therefore, it is likely that previously numbers was underestimated because of this.
- A3.8 This assessment pulls together all the available data in order to produce an accurate and detailed picture of housing need in Newport. As has been acknowledged throughout this assessment, there are many factors that impact on the supply and demand for housing and, as such, this Assessment will be updated on a regular basis. This will ensure that both the Local Authority and its partners have a clear understanding of housing need in Newport and that they are able to work together to ensure the best outcomes for the residents of the city, both now and in the future.

Appendix 4: Housing Submarket Areas for Newport



Appendix 5: Model Heads of Terms (under section 106)

WHERE A DEVELOPER BUILDS AND TRANSFERS AFFORDABLE HOUSING UNITS TO REGISTERED SOCIAL LANDLORD

Definitions:

Affordable Dwelling Units – the units consisting of [x no. or x% of the total no.] to be constructed pursuant to the planning permission for affordable housing purposes, the number, type and mix to be agreed with the council prior to the commencement of the development.

Open Market Dwellings – dwellings which are not Affordable Dwelling Units constructed as part of the development intended for sale in the private housing market at open market value

Acceptable Cost Guidance (ACG) – the highest acceptable scheme costs as provided in the appropriate band in the Acceptable Cost Guidance produced by the Welsh Government or any similar cost definition applicable to affordable housing amending or replacing the same and current for the type and size of dwelling at the date that a binding contract is entered into between the Owner and the RSL or affordable housing provider.

Affordable Housing Provider – ‘X’ Housing Association, a social housing landlord registered with Welsh Government as defined in the Housing Act 1996 and is capable of managing affordable housing and receiving grant from Welsh Government and is zoned to develop in Newport.

Alternative Housing Provider – A registered social landlord nominated by the Council who shall be different from the Affordable Housing Provider to which the first offer is made pursuant to paragraph 4 below.

Offsite Affordable Housing – only in exceptional circumstances will agreement be given for the affordable housing to be provided in an alternative location, rather than as part of the main development. In these circumstances the developer is required to identify a site in close proximity to the main development site, and obtain planning consent for the development of affordable housing. The number of affordable units should be based on the combined total of the units on both (or all) sites. The site will then be transferred to the Affordable Housing Provider at nil cost. The developer will then pay 30% of ACG towards build costs.

Offsite Affordable Dwelling Financial Contribution – The sum of money paid in-lieu of providing an Affordable Dwelling Unit on site. The sum is to be calculated on the basis of the number of units being those required as set out in Policy H4. The sum is to be calculated on the basis of the number of units being those required as an offsite contribution i.e.

$$\frac{\text{No.ofunitsonmainsitexaffordablehousing\%}}{\text{Offsite factor*}} = \text{total number of off-site affordable units}$$

*Offsite factor calculation:

Affordable Housing Threshold	Number of Affordable Housing units required
10%	$X \text{ units} * 0.1 / 0.9 = Y \text{ units}$
20%	$X \text{ units} * 0.2 / 0.8 = Y \text{ units}$
30%	$X \text{ units} * 0.3 / 0.7 = Y \text{ units}$
40%	$X \text{ units} * 0.4 / 0.6 = Y \text{ units}$

- 5.4 The Authority will seek to prioritise spending commuted sums in the submarket area in which they are generated. If following 3 years, no suitable scheme has been identified within the submarket area in which the sums were generated then the Authority will widen the spending area. This will include the area where the sums were generated as well as any other submarket area for a further 2 years. If following a total of 5 years from receipt the contribution has not been spent or committed to be spent, it will be returned to the developer at a rate adjusted to reflect inflation over 5 years.
- 1 The Owners shall prior to the commencement of development submit to the Council for its approval:
 - a) Details of specification, service charges, and programme for the construction of the affordable Dwelling Units in accordance with the Welsh Housing Quality Standards, Development Quality Requirements, Lifetime Homes Standard and Secured by Design principles published by the Welsh Government, as applicable.
 - 2 The affordable housing units shall be constructed to at least the same specification and all internal fittings, finishes, kitchen and bathroom units and sanitary ware shall be of the equivalent quality as those in the Open Market Dwellings.
 - 3 None of the Open Market Dwellings shall be occupied until such time as the Owners have made an offer in writing to the Affordable Housing Provider to build and transfer the affordable housing units to the Affordable Housing Provider in accordance with:
 - a) the Planning Permission
 - b) the details and specification approved pursuant to paragraphs 1a and 2 above, and building regulations and other statutory consents required
 - c) and the owners have provided evidence of this in writing to the Council.
 - 4 The owners shall use reasonable endeavours to enter into a binding unconditional contract with the Affordable Housing Provider in accordance with paragraph 3 above but in the event that the Affordable Housing Provider fails to enter into such a contract within three months from the date the draft contract is submitted to the Affordable Housing Provider then the owners shall use reasonable endeavors to enter into a binding unconditional contract with the Alternative Housing Provider in accordance with paragraph 3 above.

- 5 In the event that the Owners fail to enter into a binding unconditional contract with either the Affordable Housing Provider or the Alternative Housing Provider within a period of (24) twenty four months from the date the development is commenced and the Council is satisfied that the owners have used reasonable endeavors to enter into such a contract then the Council will accept payment of the Off-site Affordable Dwelling Financial Contribution.
- 6 No more than x% of the Open Market Dwellings may be occupied until such time as a binding contract has been entered into between the Owners and either the Affordable Housing Provider or Alternative Housing Provider for the building and transfer of the affordable dwelling units in accordance with paragraph 4 above or the Council has certified in writing that it is satisfied that a lump sum payment in accordance with paragraph 5 may be made in-lieu of the on-site affordable dwelling provision.
- 7 No more than x% of the Open Market Dwellings shall be occupied until such time as the affordable dwelling units and any amenity/garden land associated with the affordable dwelling unit have been transferred to the Affordable Housing Provider or Alternative Housing Provider or the Council (having first certified that a lump sum payment may be made) has received from the owners the said lump sum payment in accordance with the definition of the Off-site Affordable Dwelling Financial Contribution (the lump sum payment to be used by the Council to provide affordable housing at its discretion in the City of Newport).
- 8 The Owners covenant with the Council as follows:
 - 8.1 The offer referred to at Paragraph 3 shall be made on the following basis:
 - a) With full title guarantee
 - b) With vacant possession
 - c) Free of financial encumbrance
 - d) With the benefit of all rights of access and passage of services as are reasonably necessary to service the affordable dwelling units through, on, over and under the remainder of the site
 - e) With such other terms as may be agreed between the parties thereto
 - f) Subject to each party bearing its own costs in relation to such transfer
 - g) The Standard Conditions of Sale (Third Edition) or any modification or subsequent reissue thereof shall apply to the transfer in so far as the same are not inconsistent with the express terms of this Agreement
 - h) With a price of 50% (fifty per cent) of the ACG for the dwelling type for the Council Ward Area in which the Development will take place (Band x); and,
 - i) Subject to the owners agreeing to procure the issue of an insurance certificate from the NHBC (or other warranty provider approved by the Council of Mortgage Lenders) in relation to the Affordable Housing Units.

Appendix 6: Viability Appraisal Checklist

Viability Appraisal Checklist

If a viability appraisal is to be submitted to the Council, the following information is required:

1. SITE OVERVIEW	
a) Site Address	b) State why there is a case for lower levels of planning contributions
c) Current use & planning use class ¹	d) Application Number <u>or</u> Pre-Application
e) Current use value of site (supported by professional valuation)	f) Description of the scheme
g) Who owns the site	h) Site Size (Hectares)
i) Are there any ownership options on the site	j) Ward
2. CHARACTERISTICS OF DEVELOPMENT	
a) Numbers and types of dwelling, including both Private and Affordable Housing (i.e. house, flat, bedsit, wheelchair housing etc.)	b) Parking by type (none, surface, undercroft or underground)
c) Size of dwellings by Type (in sq. m)	d) Number of storeys of buildings
e) Number of Bedrooms by Type	

¹ Use Classes can be viewed at: <http://www.planningportal.gov.uk/permission/commonprojects/changeofuse/>

3. MARKET VALUES

- a) Sale value of Private Dwellings (by Type and Number of Bedrooms)

NB. All sales values to be supported by professional evidence and values for comparable sites in the area of the development for independent verification on a unit by unit basis (e.g. 1 bed 2 person flat – 1 bathroom, balcony, view, car space etc.)

4. SALES REVENUES & COSTS FOR MIXED USE ELEMENTS (categorised by: Industrial; Office; Retail; Hotel; Leisure; Community; Other)

a) Revenues

- i. Size of scheme (gross sq. m)
- ii. Rent (£ per sq. m)
- iii. Yield (%)
- iv. Capital Value

b) Costs

- v. Build Costs (£ per GIA sq. m)
- vi. Professional and Other Fees (% build costs)
- vii. Return (% capital value)

5. DEVELOPMENT COSTS

<p>a) Build costs by Type (£ per sq. m)</p> <p>(NB: include sub and super structures but exclude external infrastructure/special landscaping. The Council's Toolkit Appraisal allows an additional 15% for external works i.e. garages, drives etc.)</p>	<p>b) Internal Overheads (% of build costs)</p>
<p>c) Build Costs for Flats for: 5 & less storeys; 6-15 storeys; 16+ storeys (£ per sq. m)</p>	<p>d) Finance (Market) (% of market value)</p>
<p>e) Ecohomes Standards (for Private and Affordable)</p>	<p>f) Finance (Affordable Housing) (% of development costs)</p>
<p>g) Professional Fees (% of build costs)</p>	<p>h) Marketing Fees (% of market value)</p>
<p>i) Cost of building Affordable Housing Units (if this differs from private market units) x per sq. m of affordable housing to meet the Welsh Government's Development Quality Requirements (including the Code for Sustainable Homes and Secured by Design) and Welsh Housing Quality Standard.</p>	<p>j) Developers Return (% of market value)</p>
<p>k) Abnormal/Exceptional Costs</p>	<p>l) Contractors Return (% of development costs, excluding finance)</p>
<p>m) Actual or Anticipated land acquisition cost (please state if conditional, and the condition) and date of contracts where relevant. Evidence of contract details and prices etc. required.</p>	
<p>NB. Evidence to support costing. This should include detailed breakdown of costs provided by appropriate professionals and a method statement of how costs have been calculated.</p>	

6. SECTION 106 CONTRIBUTIONS (£). AGREED CONTRIBUTIONS TO THE FOLLOWING:	
a) Education	b) Affordable Housing
c) Highways	d) Environmental Improvements
e) Travel Plans	f) Countryside
g) Countryside	h) Employment Development/ Employment related training
i) Public Transport	j) Flood Defence Strategy
k) Community Facilities	l) Monitoring Fee
m) Open Space/Leisure	n) Others (please specify)
7. AFFORDABLE HOUSING DWELLINGS	
a) Amount an RSL/applicant can pay for a dwelling (by Type)	b) % of Acceptable Cost Guidance available
c) % and/or number of Affordable Housing dwellings being sought by the Council	d) Type of Tenure
8. CAPITAL CONTRIBUTION FROM OTHER SOURCES, IF RELEVANT:	
a) Welsh Government	b) Lottery Grant
c) Subsidy for Intermediate Rent	d) Commuted Sum
e) European Union Funding	f) CADW (Heritage Funding)
g) Local Authority Capital Grant	h) Employer Contribution
i) Other Regeneration Funding	j) Other

Appendix 7: Commuted Sums Background Calculations

Step 1: Need is based on the most up to date Local Housing Market Assessment.

Step 2&3:

Rural Newport		1bed flat	2bed flat	2bed house	3bed house	4+bed house	Average
	ACG cost per dwelling	£92,950	£130,050	£168,564	£180,889	£227,025	£159,895.6
	Weighted Average based on % of need	£69,923	£9,940	£12,883	£4,631	£15,728	£113,104
Newport West		1bed flat	2bed flat	2bed house	3bed house	4+bed house	Average
	ACG cost per dwelling	£86,975	£123,433	£155,300	£167,183	£209,242	£148,426.6
	Weighted Average based on % of need	£78,452	£816	£1,026	£1,668	£15,650	£97,613
Newport East		1bed flat	2bed flat	2bed house	3bed house	4+bed house	Average
	ACG cost per dwelling	£73,764	£104,814	£131,129	£141,250	£176,700	£125,531.4
	Weighted Average based on % of need	£68,465	£1,128	£1,412	£0	£8,890	£79,895
Malpas & Bettws		1bed flat	2bed flat	2bed house	3bed house	4+bed house	Average
	ACG cost per dwelling	£84,000	£119,700	£147,800	£159,450	£199,200	£142,030
	Weighted Average based on % of need	£77,524	£0	£0	£0	£15,358	£92,882

Step 4:**Cost of dwelling as a percentage of the straight average cost**

	1bed flat	2bed flat	2bed house	3bed house	4+bed house
Rural Newport	0.58	0.81	1.05	1.13	1.42
Newport West	0.59	0.83	1.05	1.13	1.41
Newport East	0.59	0.83	1.04	1.13	1.41
Malpas/Bettws	0.59	0.84	1.04	1.12	1.40

Step 5: Multiple the weighted average for each sub area against the proportions established in step 4.

Step 6:

Apply 50% ACG and relevant sub-market area percentage

Commuted Sums per unit					
	1bed flat	2bed flat	2bed house	3bed house	4+bed house
Rural Newport	£13,150	£18,399	£23,847	£25,591	£32,118
Newport West	£8,580	£12,176	£15,320	£16,492	£20,641
Newport East	£4,695	£6,671	£8,346	£8,990	£11,246
Malpas/Bettws	£2,747	£3,914	£4,833	£5,214	£6,513

Newport City Council

Supplementary Planning Guidance

FLAT CONVERSIONS



June 2021



Mae'r ddogfen hon ar gael yn Gymraeg, gyda fformatau eraill ar gael ar gais /

This document is available in Welsh, with other formats available on request.

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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 2021 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 (including bed-sits and studio flats) 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.

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>).

4.12 Sustainable Drainage Systems

The Flood and Water Management Act (FWMA) 2010 (Schedule 3) came into effect in Wales on 7th January 2019 and requires all new developments where the construction area is 100m² or more to use Sustainable Drainage Systems (SuDS) to manage on-site surface water. These surface water drainage systems must be designed and built in accordance with mandatory Welsh Government national standards, published by Welsh Ministers. They must be approved by the council's Sustainable Drainage Approving Body (SAB). The SAB will undertake the statutory function of ensuring that surface water drainage proposals meet with the mandatory national standards and will adopt and maintain SuDs in accordance with Section 17 of Schedule 3 of the FWMA 2010.

For all qualifying developments, SAB approval must be sought in addition to planning approval. Construction will not be allowed to commence on site following the granting of planning consent until SAB approval has also been granted. The SAB offers a chargeable Pre- Application Advice service to discuss & consider surface water drainage proposals in detail and we strongly recommend applicants consider this prior to making a Full Application.

Information regarding SuDS, applying for SAB approval and the scale of charges can be found on the NCC website under Sustainable Drainage Systems. The SAB can also be contacted via email: sab@newport.gov.uk.

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 Access</i> ²	<i>Walk Up</i> ³
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.

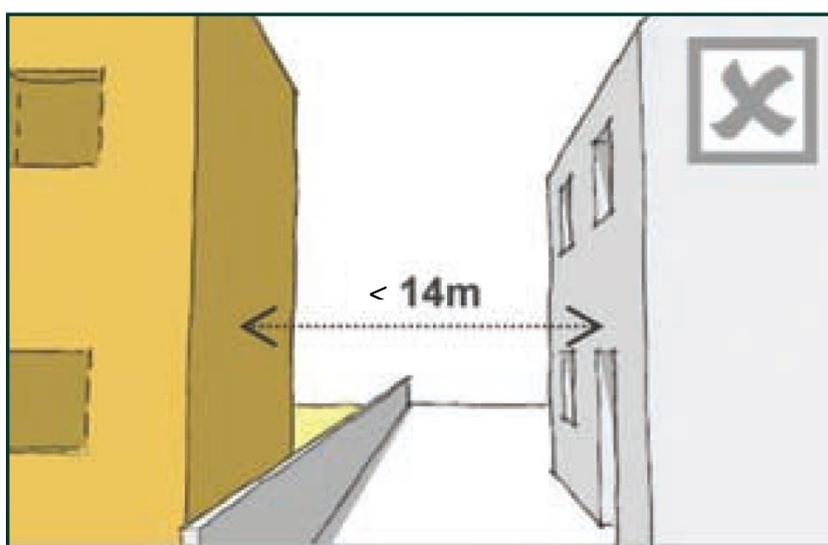


Figure 2: Distance of 14.00 metres between a protected window and a blank two-storey wall

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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