

# Agenda



## Planning Site Committee

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Date: Thursday, 14 July 2022

Time: 12.00 pm

Venue: Civic Centre- Council Chambers

To: Councillors M Spencer (Chair), M Linton (Deputy Chair), T Watkins, J. Jones, M. Howells, R Mogford, T Harvey, D. Jenkins, B Perkins, J. Reynolds and J Jordan

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Item	Wards Affected
1	<u>Apologies for Absence</u>
2	<u>Planning Committee Code of Practice</u> (Pages 3 - 18)
3	<u>Development Management: Planning Application Schedule</u> (Pages 19 - 46)

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# PLANNING COMMITTEE CODE OF PRACTICE

“Everything you need to know about  
Planning Committee”

**(Updated December 2016-For guidance only – amended draft being prepared )**

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## **1. Introduction**

1.1 This Code of Practice is intended to guide the procedures by which Councillors and Officers of the Council deal with planning matters, and to set standards of probity and conduct which the residents of Newport City Council can expect.

1.2 As planning affects people's lives and private interests, it can often be very contentious. It is important that residents of Newport and applicants for planning permission understand the system, have confidence in its integrity and transparency and that Members and Officers involved in the planning process avoid impropriety or even the suspicion of impropriety. This approach is endorsed by the Committee on Standards in Public Life (the Nolan Committee), the Wales Audit Office and the Welsh Local Government Association.

1.3 Members must follow the Codes and Protocols in the Constitution of Newport City Council which cover such matters as declarations of interests, gifts and hospitality and the Protocol for Member/Officer relations. When dealing with planning matters they must also act in accordance with this Planning Code of Practice.

1.4 A breach of these codes whilst not usually amounting to a breach of criminal law, may adversely affect the standing of the Council. It could result in a decision being judicially reviewed or in a complaint of maladministration, being made to the Local Government Ombudsman. A breach of the Members' Code of Conduct can result in a complaint against a Member personally.

1.5 If Members or Officers are in doubt about the application of the Codes they should seek advice from the Council's Monitoring Officer.

## **2. General Roles, Responsibilities and Conduct**

2.1 Members and Officers have different but complementary roles in the planning process. Members of the Planning Committee have different roles to those of other Councillors.

### **Members of Planning Committee**

2.2 There are 11 Members on the Planning Committee and they normally meet once a month.

2.3 Members of the Committee are appointed at the Council's Annual General Meeting, held in May each year.

2.4 Three Members of the Committee constitute a Quorum.

2.5 Councillors who are Members of the Planning Committee are responsible for the determination of planning applications for major regeneration and controversial applications. The Committee must assess proposals against national and local planning policy and carefully balance the benefits of proposed development with any impacts on the surroundings. Members are required to consider all planning proposals in the wider public interest. Decisions are restricted to planning considerations, and cannot seek to control non-planning issues or duplicate other legislative controls.

2.6 Other applications are delegated to the Head of Regeneration, Investment & Housing Services through the Development Services Manager. Details of applications received are available on the Council's website. Members can contact the Case Officer to express an interest in the proposal. In due course that Member will be notified of the Officer's recommended decision. If unhappy with the recommended decision the Member can request referral of the application to Planning Committee for determination.

2.7 However, such requests must be supported by clear planning reasons why the case requires consideration by the Committee. Members shall not put any pressure on Officers to make

particular recommendations or decisions, nor to change recommendations or decisions in respect of any application. However, it is helpful if Members explain their concerns with the Officer in advance of the Committee meeting.

### **Planning Committee Members shall:-**

#### 2.8 For and in meetings:-

- Exercise personal responsibility in deciding whether to declare any personal interest as defined in the Council's Code of Conduct in relation to any planning application that is before the Planning Committee for determination, and withdraw, if so required by the Code. If in doubt, Members shall consult and seek guidance from the Monitoring Officer in advance of the meeting.
- Act fairly and openly.
- Carefully weigh up all relevant planning issues before making a decision
- Make decisions purely on planning grounds in the public interest and not favour, or appear to favour, any person, company, group or locality. Whilst Planning Committee Members have a responsibility to their constituents, the decisions of that Committee must be based on material planning considerations.
- Have reasons and justification for their position and resolutions (this is a requirement of the Code of Conduct)

### **Members of the Planning Committee who are also members of Community Councils**

2.9 Membership of a Community Council provides an opportunity to listen to local views and does not of itself give rise to conflict of interest for a Planning Committee Member provided he or she maintains an open mind until all the evidence and arguments have been presented to Planning Committee.

2.10 A Member does not have to declare an interest at the Community Council that he/she is a Member of City Council's Planning Committee unless the matter under discussion is an application made by the City Council. They would then have to declare a personal interest but not a prejudicial interest.

2.11 If the Planning Committee Member is a Community Councillor, if the particular Community Council they are sitting on is making an application to the Council the interest would be a prejudicial one and the Member should not take any part in discussion or voting on the application at Committee.

### **Non Planning Committee Members of the Council**

2.12 Ward Members who do not sit on the Planning Committee will be allowed to speak at Planning Committee at the Chairman's discretion. This opportunity shall not apply to delegated items unless they are referred to Planning Committee for determination in accordance with the operation of the scheme of delegation.

## **Who Can Speak**

2.13 Ward Members representing the Ward in which the proposed development is located are allowed to speak at Planning Committee at the Chairperson's discretion.

2.14 Applications to be placed before the Planning Committee will be scheduled for the first available meeting. Applications will not be deferred to later Committee meetings on the grounds that an interested Member is unavailable to attend the scheduled meeting. In the case of Wards represented by only one Member, that Member may nominate another Member to attend the scheduled meeting to speak on their behalf. The Chairperson shall be notified of the nominated Member in advance of the relevant Committee meeting.

## **3. Planning Committee Meetings**

3.1 Meetings of the Planning Committee will normally be held on the first or second Wednesday of each month. Dates for Committee meetings can be found on the Council's website or by contacting City Contact Centre on 01633 656656. The time of Committee meetings will be advertised on the Council's website.

All meetings will be held in public. However the public will be excluded from meetings whenever it is likely in view of the nature of the item to be discussed or the nature of the proceedings, that confidential information would be disclosed.

Public speaking items will be taken first on the agenda. All other applications will be heard in the order in which they appear on the Agenda, other than in exceptional circumstances, and always at the discretion of the Chairperson. The procedure at the Planning Committee meetings is explained in paragraph 9 of this Code of Practice.

**The deadline to register for public speaking is 9.00 a.m. on the Wednesday preceding the Planning Committee meeting on the following Wednesday.**

### **Webcasting / Broadcasting of Meetings**

3.2: The Council has agreed that certain meetings of the Planning Committee may be the subject of live web transmission ('webcasting'), or recorded for subsequent transmission. Fixed cameras are located within the Council Chamber for this purpose.

The Council will ensure that in doing so it is compliant with its obligations under the Data Protection Act 1998 and the Human Rights Act 1998.

The Notice on the agenda and the Chair at the meeting will make it clear that whilst generally the public seating areas are not filmed; by entering the meeting room and using the public seating area, members of the public are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. The process for prospective public speakers will be explained to them.

### **Content of Ward Councillor Speeches**

**3.3** Comments by Ward Councillors should be limited to relevant planning issues.

These include:-

Relevant national and local planning policies;

Appearance and character of the development, layout and density;

Traffic generation, highway safety and parking/servicing;

Overshadowing, overlooking, noise disturbance, odours or other loss of amenity.

Ward Councillors should avoid referring to matters outside the remit of the Planning Committee, such as:

- Boundary disputes, covenants and other property rights;
- Personal remarks [e.g. Applicant's motives or actions to date];
- Rights to views or devaluation of property.
- Competition between businesses/services
- Issues covered by other legislation e.g. Environmental Health

### **Late Representations**

**3.4 The deadline for the submission of comments on applications being presented to Committee is midday on the Monday immediately before the Planning Committee meeting (on the Wednesday).** Comments received by the Case Officer before that deadline will be summarised and sent to Planning Committee Members and the relevant Ward Councillor(s) by 12 noon the day before the meeting. Comments or any other document or information received after that deadline would not be taken into consideration. This procedure ensures that Planning Committee Members have had sufficient time to read any additional papers.

### **Officers**

3.5 The function of Officers is to support and facilitate the Councillors in their work and to ensure that robust and lawful decisions are made. Planning decisions must be made in accordance with the Development Plan and other material planning considerations.

3.6 The Development Services Manager makes decisions on the majority of planning applications under delegated powers and makes recommendations on more significant and contentious applications and other planning matters for decision by the Planning Committee. Officers will provide professional advice and will provide Members with a recommendation on whether or not planning permission should be granted, based on the Officer's assessment.

In considering applications and in advising members of the public on planning policy, the determination of planning applications, enforcement and other planning matters, Officers must:-

- Act fairly and openly and avoid any actions that would give rise to an impression of bias
- Avoid inappropriate social contact with applicants and their agents, objectors and other interested parties
- Approach each planning application or issue with an open mind, avoiding preconceived ideas
- Carefully weigh up all relevant planning issues before making a decision
- Make decisions purely on planning grounds having regard to the Development Plan and other material considerations
- Give professional, objective and consistent advice
- Carry out the decision of the Committee insofar as they relate to the completion of any legal agreement, or instigation or defence of proceedings etc

## **4. Administrative Arrangements**

### **Planning Application Notification**

4.1 All Members of the Council will be informed of the submission of all planning and related applications through the weekly list of applications published on the Council's website. This list will include basic details about the application and indicate whether it falls within the "delegated" (i.e. dealt with by the Development Services Manager) or "Committee" category for determination. Further detail on the application, including relevant plans and documents, can be viewed on the Council's website.

### **Meetings with Applicants and Objectors**

4.2 The Local Planning Authority does not organise public meetings in respect of any application. The statutory planning process which includes a procedure for notifying occupiers of land neighbouring an application site provides ample opportunity for the public to make its views known about a proposal. Where appropriate it might be possible for Planning Officers to attend public meetings organised by Ward Members for information purposes. In order to be taken into account in the final decision, all comments made by local residents and third parties must be made in writing (an email is sufficient).

### **Determination Process**

4.3 If an application received is of interest to the Ward Member because it is, or becomes, a controversial or significant local issue, the Member should contact the Case Officer to express an interest in the application. That Ward Member will then be notified in due course of the proposed decision. Should that Ward Member wish for that application to be determined by Planning Committee (being unhappy with the Officer recommendation), he/she should notify the Development Services Manager and Case Officer within the 48 hour period prior to the application being determined, giving planning reasons for calling the application to Committee in writing (or by email).

## **5. Pre-Application Discussion and Enforcement Discussions**

5.1 Local Planning Authorities are encouraged to enter into discussions and negotiations which can bring about improvements that can make an application acceptable, and thereby potentially speed up the process. Such pre-application discussions will normally take place at Officer level and Members shall wherever possible refer requests for such advice to Officers. If Members become involved in such discussions they should make it clear that their views are personal and provisional and they may wish to make a record of the discussion.

All Officers taking part in such discussions shall:-

- Identify the decision-making process applicable to the application or issue under discussion
- Make it clear that only personal professional and provisional views can be expressed that will not bind the Council (Officers or Members) to reach a particular decision when determining the application
- Express views in the context of the Development Plan and other material planning considerations
- Be consistent in interpreting planning policies and Government guidance
- Where appropriate advise applicants, neighbours and objectors on procedural matters.

## **6. Lobbying of Members of the Planning Committee**

6.1 Lobbying is the process by which applicants, agents, neighbours, non Planning Committee Members and other interested parties may seek to persuade Councillors on the Planning

Committee to come to a particular decision. It is legitimate for them to approach Members of the Planning Committee (in person or in writing) and such discussions may help Members to understand the issues and concerns. As stated in the Nolan Committee Third Report “*it is essential for the proper operation of the planning system that local concerns are adequately ventilated*”.

6.2 In responding to approaches of this kind, Planning Committee Members may publicly express an opinion provided that they keep an open mind at Planning Committee meetings but must not have closed their mind prior to hearing all the evidence and arguments, which will be presented at the Planning Committee. They should explain their position in respect of probity if they express an opinion on a proposal before consideration at the Planning Committee. They should:-

- Explain the procedures by which representations can be made.
- Indicate that a decision will be taken only when all relevant planning considerations have been taken into account.
- Explain the kinds of planning issues that the Council can take into account.
- Report issues raised to the Officers or direct the public to the Officers so that their views can be considered. It is helpful if this takes place in advance of the Planning Committee meeting so that all relevant issues are fully considered before the agenda is published.

## **7. Planning Applications Submitted by Members, Community Councils and Officers**

### 7.1 Any application

- made by any Elected Member of the Council, or
- made by any Officer either employed within the Regeneration and Regulatory Services area or by an Officer who works in close association with the Development Services section (for example as a regular consultee), other than where that application is submitted solely in that Officer’s professional capacity as a Council employee and where the Officer has no personal or prejudicial interest in the outcome of the application; or
- in respect of which an Elected Member of the Council has been consulted as a neighbour; or
- in respect of which the Head of Regeneration and Regulatory Services has responsibility for any aspect of the management of any land or buildings to which the application relates; or
- any other matter where the Head of Regeneration and Regulatory Services considers it appropriate for the matter to be determined by Planning Committee shall be determined by the Planning Committee.

7.2 The affected Member or Officer must declare the existence and nature of the interest or relationship in accordance with the appropriate Code of Conduct and withdraw from involvement in the decision. The affected Officer shall take no part in the processing of the application and any recommendations made to Planning Committee.

7.3 If the Planning Committee Member is a Community Councillor, if the particular Community Council they are sitting on is making an application to the Council the interest would be a prejudicial one. Members should therefore choose whether they should take part in debates at the Community Council or at the Planning Committee. This does not prevent a Member listening to a debate at a Community Council, so long as the Member does not take part in the debate.

7.4 Where a Community Council submits a planning application, the City Council Members who are also Members of Planning Committee should disclose their interest and not participate on that application should it come to Planning Committee for decision (whether a Committee or delegated decision).

## **8. Planning Applications Submitted by the Council**

8.1 It is essential that the Council treats applications for its own development (or a development involving the Council and another party) in the same manner as all other applications and that this

is seen to be the case. Due to the fact that the Head of Regeneration & Regulatory Services' portfolio contains both Property/Estates and Planning, planning applications relating to Council-owned land must be considered by Planning Committee. Applications which are merely sponsored by the Council, such as applications made through the Housing Renewal Team on behalf of disabled persons, can be decided under delegated powers.

### **Officers' Reports to the Planning Committee**

8.2 All planning matters considered by the Planning Committee will be the subject of appropriate written reports by the Development Services Manager incorporating his/her recommendations. Such reports shall be comprehensive but succinct in setting out the key planning issues to be considered in terms of the provisions of the Development Plan and other material planning considerations, the substance of any representations received and any planning history.

All reports will be submitted on the adopted template and will include the mandatory comments of the Monitoring Officer, Head of Finance and any other relevant consultees.

## **9. Conduct and Procedure of Planning Committee Meetings**

### **9.1 Broadcasting / Webcasting:**

At the start of each meeting to be filmed, an announcement will be made to the effect that the meeting is being, or may be, webcast.

The Chair of the meeting has the discretion to terminate or suspend filming, if in the opinion of the Chair continuing to do so would prejudice the proceedings of the meeting or if the Chair, on advice, considers that continued filming might infringe the rights of any individual.

### **9.2 Consideration of Planning Applications:-**

Planning applications will be considered in the following structure:

- a) First there will be a presentation about the application by a Planning Officer, normally using visual aids
- b) Members will have been sent an addendum report outlining any late correspondence received since publication of the agenda but before the consultation deadline. This addendum must be considered by the Committee prior to making its decision on the application.

N.B. Late representations are included in an updated Planning Application Schedule and copies are available at the meeting.

- c) Public speaking:

In any correspondence notifying applicants, supporters or objectors of the meeting date on which an application will be heard, advice in relation to Broadcasting / webcasting of meetings will be included.

Those who have made requests to speak in accordance with the relevant Protocol will be invited to speak in the following order:

- Objector (5 minutes)
  - Supporter (5 minutes)
  - Applicant or their agent (5 minutes)
- d) The Planning Officer will respond as necessary.

- e) The Chairperson will invite the Ward Councillor(s) to speak, if applicable;
- f) The Chairperson will then open the debate by providing an opportunity for members of the Planning Committee to comment or ask questions of the Planning Officer or any other officer in attendance. The Planning Officer or others will be provided with the opportunity to respond.
- g) When a Member of the Committee wishes to speak, he or she will indicate this to the Chairperson. No Member will speak unless called upon to do so by the Chairperson. When called upon to speak, the Member will address the meeting through the Chairperson. If two or more Members wish to speak the Chairperson will ask one to speak and the other(s) **will remain silent**. While a Member is speaking, other Members **will remain silent** until invited to speak by the Chairperson.
- h) When the Chairperson considers all Members have had an opportunity to contribute he or she will ask for a motion to be moved and seconded. If the motion is to do something other than agree the Officer recommendation set out in the report before Committee, **planning reasons should be given at that time and before taking the vote**.
- i) If the vote is against the recommendation of the Planning Officer but with no alternative motion before the Committee, there is a risk of appeal against non – determination by the Committee
- j) If the motion is not carried, further motions will be requested until a motion is carried
- k) The application will be determined by a simple majority vote by show of hands. All Members of the Committee, including the Chairperson, should cast a vote in favour or against the motion before the Committee. As Planning Committee is appointed for the purpose of making decisions on planning applications, it is not appropriate for Members to abstain.
- l) If there are equal numbers of votes for and against, the Chairperson will have a second or casting vote. The Chairperson can only use a second or casting vote if he or she has participated in the original vote.
- m) Following the vote, the matter is resolved. There must be no further discussion on the matter.
- n) If the Committee makes a different decision to that recommended by the Planning Officer, it must articulate and record in the minute the relevant planning reasons:
- If an application is refused against Officer recommendation, the Committee must provide the planning reasons for refusing planning permission
  - If an application is granted against Officer recommendation, the Committee must suggest any conditions that it thinks should be imposed and the reason for those conditions
  - If the Committee requests a site visit prior to making a final decision, the reasons for that visit must be provided.

Officers will provide the Committee with advice regarding relevant policies and conditions where applicable.

Following the Planning Committee meeting, the Development Services Manager will produce a Decision Notice reflecting the Committee's decision on the application. This gets sent to the applicant/agent and published on the Council's website. The Development Services Manager has delegated powers to add, amend or delete conditions or reasons for refusal as is considered necessary to ensure decisions are robust.

**N.B. If a Member joins a Planning Committee meeting after the presentation of an item has begun, then the Member should not take part in the debate or vote on that item.**

## **10. Conduct**

10.1 The Chairperson of Planning Committee is responsible for the conduct of the meeting in accordance with the Rules of Procedure (Council Standing Order 9) and for the effective delivery of business in a professional, courteous and transparent manner. The Members of the Committee and Officers shall respect the role and behave in a manner that is commensurate with the high standards of conduct and propriety that are expected in public office.

10.2 The Chairperson will seek to ensure that Members and Officers are treated in accordance with the Council's agreed Protocol on Member/Officer Relations (Part 5 Section 3 of the Constitution), with regard to:-

- The political neutrality of Officers
- The independence of Officers
- Mutual respect, courtesy, civility and professionalism with respect of differing views

Where disturbance of the meeting occurs by way of public interference, the Chairperson may suspend proceedings until matters are resolved or in extreme situations may close the meeting to the public.

Please be aware that the Code of Conduct applies to all Members at all meetings of the Council, whether or not they are broadcast. Laws relating to remarks made about individuals apply at all meetings of the Council, whether or not they are being broadcast

## **11. Procedure**

11.1 The Chairperson will ensure that the meetings of the Planning Committee are conducted in accordance with the Council's Rules and Procedures and safeguard that appropriate debate is able to take place in a structured and professional manner. The Chairperson should seek to avoid repetition or irrelevant debate.

11.2 Members should endeavour to give not less than 24 hours notice (preferably in writing) to the Development Services Manager of all questions requiring a technical or detailed response so that an appropriate response can be prepared for the meeting of the Planning Committee

11.3. Appropriate legal and administrative Officers will be responsible for advising the Chairperson and the Committee on matters of procedure and protocol.

11.4 Where Officers advise the Chairperson of material planning concerns or potential consequences of a particular course of action, or any potential liabilities or errors of fact, Officers shall be afforded reasonable opportunity to concisely explain those matters to Planning Committee before it reaches a decision.

## **12. Site Inspections**

12.1 A Sub-Committee of the Planning Committee will be constituted for the purposes of undertaking site visits on behalf of the Planning Committee known as the Planning Site Sub-Committee.

12.2 The Planning Site Sub-Committee shall comprise six named Councillors of the Planning Committee. Rules of political balance as set down in the Local Government and Housing Act 1989 will apply.

12.3 A site visit by the full Planning Committee may be undertaken in lieu of the Planning Site Sub-Committee if the scale or sensitivity of the development merits such consideration. The decision to undertake a full Planning Committee visit lies with the Committee. Where a full Planning Committee visit takes place, except in exceptional circumstances, the application will be determined at an extra Planning Committee meeting called immediately following the site visit.

This meeting will be a public meeting and the relevant Public Speaking Protocol and Member Speaking Protocol will operate.

12.4 Where an application is deferred then public speakers will not be heard on the second occasion the application is before Members subject to the Chair's discretion in exceptional circumstances to allow such speakers.

### **Purpose of Site Inspections**

12.5 Site inspections by the Planning Site Sub-Committee or full Planning Committee will be undertaken for the following purposes:

- To fact find
- To investigate specific issues raised in any request for a site inspection
- To investigate issues arising from the Planning Committee presentation or discussion
- To enable the Planning Site Sub-Committee to determine an application (grant or refuse), authorise formal enforcement action to be taken, or determine that no further action should be taken, or, if it considers that a proposal merits further debate based on the findings of the site visit, it could refer the matter back to full Planning Committee

### **Requests for Site Inspections**

12.6 Any Member of the Council may request that a planning application site be visited by the Planning Site Sub-Committee prior to the determination of that application. Such requests must be made in writing [e-mail is sufficient] to the named case officer dealing with the application or the Development Services Manager. Any such request must include specific planning reasons for the visit.

12.7 Applications subject to a request for a visit will be reported to the Planning Committee. The report will include details of the request and the reasons given. Planning Committee will decide, following a full presentation of the application, whether or not it considers that a site visit is necessary to inform the decision-making process.

12.8 Where no request for a site visit has been made, Members of the Planning Committee may decide, during consideration of an application, that a site inspection would be beneficial. The reasons for the visit should be agreed and recorded as part of the minute of the meeting.

12.9 Occasionally there will be circumstances when timescales for determination will not allow site visits to be programmed in the normal way e.g. those related to telecommunications development. In such **exceptional circumstances**, at the discretion of the Chairperson of the Planning Committee, a site visit may be undertaken prior to the presentation of the matter to the Planning Committee. As Members of the Sub-Committee will not have received a formal presentation on the application, a recommendation cannot be given nor a decision made. They will be able to report their findings of fact to the Planning Committee only. Members should make their written request, with reasons, in the normal way. All other aspects of the protocol will apply.

### **Attendance at Planning Site Sub-Committee Meeting**

12.10 Attendance at Planning Site Sub-Committee meetings will be restricted as follows:

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

## **Representations at Planning Site Sub-Committee Visits**

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

### **Procedures**

12.12 At the initial consideration of the application at Planning Committee, Officers will make a full presentation of the item, including a recommendation to Committee.

At the commencement of the site visit, the Chairperson of the Planning Site Sub-Committee will state the issues for consideration.

The site visit will not be deferred due to the unavailability of applicants/agents, Ward Councillors, Community Council representatives, neighbour or other land owners (unless access onto the site is essential).

Members are reminded that the rules of declarations of interest apply to site visits, and that if a Member has an interest that would require the Member to withdraw from a Planning Committee, the Member is not entitled to attend the site meeting.

12.13 Following the site visit, the Planning Site Sub-Committee will return to the Civic Centre to discuss their findings and determine the application (as set out in paragraph 12.4 above). This is a public meeting. At this meeting, there will be a brief formal presentation by Officers focusing on the site visit issues. The Sub-Committee could limit their debate to the issues considered at the site visit. However, Members will be free to debate the full range of planning issues relating to the application if necessary.

The Public Speaking Protocol will **not** operate at this meeting. However, it will be appropriate to allow Ward Members to address the Sub-Committee prior to it making its decision, at the Chairperson's discretion.

## **13. Planning Committee Decisions Contrary to Officer Recommendation**

13.1 From time to time the Committee will disagree with professional advice given by the Officers and may decide to determine an application contrary to that advice. When this occurs the Chairperson of Planning Committee will ensure that the following principles are followed:-

- Members shall clearly express the planning reasons for their decision and these will be recorded in the minutes.
- A Member proposing refusal of an application for which the Officer recommendation is approval shall state his/her reasons prior to the vote being taken.

## **14. Appeals against Council Decisions**

14.1 Officers will organise and generally appear as witnesses at planning appeals and other proceedings on behalf of the Council. In some circumstances (such as where specialist evidence is required) it may be necessary to appoint Consultants to appear for the Council.

In giving evidence, Officers will present the best possible case on behalf of the Council while complying with the RTPI Code of Professional Conduct. This Code requires that Planning Officers who are members of the Institute do not make statements purporting to be their own, but which are contrary to their *bona fide* professional opinion.

14.2 Members can have an important role to play in appeals and may, within set deadlines, make written representations to the Inspector and may also appear at informal hearings or as a witness at public local inquiries. In doing so they should state whether they are acting in their local Councillor capacity or, representing the Council's case.

14.3 Where Planning Officers are unable to defend decisions on appeal (due to requirements of the professional conduct rules of the Royal Town Planning Institute) the Planning Committee should be aware of this before the final vote is taken. In such cases, the Committee shall nominate at least two of its Members who voted contrary to the recommendations to appear at any appeal and defend the Committee's decisions, thereby presenting the Committee's reasons for its decision. The Members attending any appeal hearing should normally be the proposer and seconder of the proposal that was contrary to the Officers' recommendation. Those Members will then be required to attend any subsequent appeal hearing, and if necessary, to give evidence in support of the Council's decision.

14.4 Planning and Legal Officers will support Members attending or wishing to make representation at appeals and advise them on preparing and delivering evidence. Legal Officers will attend inquiries or assist in preparing representations when legal representation is required.

14.5 Planning decisions are decisions made by the Council. It is therefore not normally appropriate for an elected Member to support an appellant at Appeal. If Members have concerns about delegated applications, the appropriate course of action is to call the application to Planning Committee for decision.

## **15. Member Training**

15.1 Members of Planning Committee should undertake training which, on occasions, should be offered to all Members of the Council.

15.2 Members will be offered and required to attend core (compulsory) training (normally within three months of appointment to the Committee). This training will cover planning procedures, code of conduct and other subjects determined from time to time by Officers in consultation with the Chairperson.

15.3 Attendance at training events will be recorded and published and will be monitored through the relevant Overview and Scrutiny Forum.

## **16. Review of Decisions**

16.1 The Audit Commission's report "Building Quality" recommends that Councillors should visit a sample of implemented planning permissions to assess the quality of decisions. The purpose of such a review is not to change decisions, but to assess and improve the quality and consistency of decisions and thereby strengthen public confidence and assist in reviewing planning policy.

16.2 The Planning Committee will undertake an annual review of a sample of planning decisions made by the Committee. The review will include examples from a range of development types e.g. major residential proposals, listed building consents and enforcement cases, and, where it is considered appropriate and beneficial, include visits to sites.

16.3 The Planning Committee will consider the results of the review and decide whether it gives rise to the need for new policies, procedures and practices.

16.4 The outcome of appeals against the decisions of the Council will be reported regularly to Planning Committee. The outcome of enforcement cases and legal proceedings will also be reported regularly so that Planning Committee can review its own decision-making processes.

## **Background Information**

The following documents are available on request:-

Planning Scheme of Delegation

Member Speaking

Public Speaking

Public Speaking at "Extra Planning Committee" Meetings

Site Sub Committee

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# Report

## Planning Site Committee

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**Part 1**

Date: 14 July 2022

**Subject** Planning Application Schedule – Site Visit

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

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

**Ward** As indicated on the schedule

**Summary** Attached is a Planning Application Schedule, detailing an application requiring a site visit, as recommended by Planning Committee on 6th July 2022. The Planning Site Sub-Committee will visit the sites, listed in the attached schedule, on 14<sup>th</sup> July 2022 in order to gain a better understanding of the proposal/case so that a decision can be made.

**Proposal**

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

**Action by** Planning Committee

**Timetable** Immediate

**Action by** Planning Committee  
**Timetable** Immediate

The Officer recommendations detailed in this report are made following consultation as set out in the Council’s approved policy on planning consultation and in accordance with legal requirements

## **Background**

The reports contained in this schedule assess the proposed development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an Officer recommendation to the Planning Site Committee on whether or not Officers consider planning permission should be granted (with suggested planning conditions where applicable), or refused (with suggested reasons for refusal).

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

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

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

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

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

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

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

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

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

## **Financial Summary**

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

## Risks

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

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

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

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

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

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

\* Taking account of proposed mitigation measures

### **Links to Council Policies and Priorities**

The Council's Corporate Plan 2017-2022 identifies four themes, including the aim to be a Thriving City. In order to achieve this, the Council is committed to improving:

- jobs and the economy
- education and skills
- fairness and equality
- community safety and cohesion
- the environment, transport, culture and social well-being

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

## **Well-being Objectives**

Development management decisions reflect the well-being objectives by ensuring:

1. Everyone feels good about living, working, visiting and investing in our unique city.
2. Everyone has the skills and opportunities they need to develop, prosper and contribute to a thriving, sustainable city.
3. Everyone belongs to resilient, friendly, connected communities and feels confident and empowered to improve their well-being.
4. Newport has healthy, safe and resilient environments with an integrated sustainable travel network.

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 all planning applications must be determined in accordance with the Newport Local Development Plan (Adopted January 2015) unless material considerations indicate otherwise. Planning decisions are therefore based primarily on this core Council policy.

## **Options Available and considered**

- 1) To determine the applications in accordance with the Officer recommendation (with amendments to or additional conditions or reasons for refusal if appropriate);
- 2) To grant or refuse planning permission against Officer recommendation (in which case the Planning Site Committee's reasons for its decision must be clearly minuted);

## **Preferred Option and Why**

To determine the application in accordance with the Officer recommendation (with amendments to or additional conditions or reasons for refusal if appropriate).

## **Comments of Chief Financial Officer**

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

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

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

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

## **Comments of Monitoring Officer**

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

## **Comments of Head of People, Policy and Transformation**

Within each report the sustainable development principle (long term, prevention, integration collaboration and involvement) of the Well-being of Future Generations (Wales) Act has been fully considered.

From an HR perspective there are no staffing issues to consider.

## **Local issues**

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

## **Scrutiny Committees**

None

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

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Socio-economic Duty, part of the Equality Act 2010, was also enacted in Wales on the 31<sup>st</sup> March 2021. This requires the Planning Site Committee, when making strategic decisions, to also pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage. Inequalities of outcome are felt most acutely in areas such as health, education, work, living standards, personal security and participation.

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

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

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

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

Long term: Decisions made by the Planning Committee balances the need to improve the appearance of areas as well as meeting the needs of residents in order to make places safe to live in and encourage investment and employment opportunities. Planning decisions aim to build sustainable and cohesive communities.

Prevention: Sound planning decisions remove the opportunity for anti-social behaviour and encourages a greater sense of pride in the local area, thereby giving the City potential to grow and become more sustainable.

Integration: Through consultation with residents and statutory consultees, there is an opportunity to contribute views and opinions on how communities grow and

develop, thereby promoting greater community involvement and integration. Planning decisions aim to build integrated and cohesive communities.

**Collaboration:** Consultation with statutory consultees encourages decisions to be made which align with other relevant well-being objectives.

**Involvement:** Planning applications are subject to consultation and is regulated by legislation. Consultation is targeted at residents and businesses directly affected by a development, ward members and technical consultees. Engagement with the planning process is encouraged in order to ensure that the views of key stakeholders are taken into consideration.

Decisions made are in line with the Council's well-being objectives published in March 2017. Specifically, Objective 9 (Health and Well Being) of the adopted Newport Local Development Plan (2011-2026) links to this duty with its requirement to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.

### **Crime and Disorder Act 1998**

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the consultation of these guidance documents.

### **Consultation**

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

### **Background Papers**

#### **NATIONAL POLICY**

Planning Policy Wales (PPW) Edition 11 (February 2021)  
Development Management Manual 2016  
Welsh National Marine Plan November 2019  
Future Wales - The National Plan 2040 (February 2021)

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

TAN 1: Joint Housing Land Availability Studies (2015)  
TAN 2: Planning and Affordable Housing (2006)  
TAN 3: Simplified Planning Zones (1996)  
TAN 4: Retailing and Commercial Development (2016)  
TAN 5: Nature Conservation and Planning (2009)  
TAN 6: Planning for Sustainable Rural Communities (2010)  
TAN 7: Outdoor Advertisement Control (1996)  
TAN 10: Tree Preservation Orders (1997)  
TAN 11: Noise (1997)  
TAN 12: Design (2016)  
TAN 13: Tourism (1997)  
TAN 14: Coastal Planning (1998)  
TAN 15: Development and Flood Risk (2004)  
TAN 16: Sport, Recreation and Open Space (2009)  
TAN 18: Transport (2007)  
TAN 19: Telecommunications (2002)  
TAN 20: Planning and The Welsh Language (2017)  
TAN 21: Waste (2014)  
TAN 23: Economic Development (2014)  
TAN 24: The Historic Environment (2017)

## **LOCAL POLICY**

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

Supplementary Planning Guidance (SPG):

Affordable Housing (adopted August 2015) (updated October 2021)  
Archaeology & Archaeologically Sensitive Areas (adopted August 2015)  
Flat Conversions (adopted August 2015) (updated October 2021)  
House Extensions and Domestic Outbuildings (adopted August 2015) (updated January 2020)  
Houses in Multiple Occupation (HMOs) (adopted August 2015) (updated January 2017)  
New dwellings (adopted August 2015) (updated January 2020)  
Parking Standards (adopted August 2015)  
Planning Obligations (adopted August 2015) (updated January 2020)  
Security Measures for Shop Fronts and Commercial Premises (adopted August 2015)  
Wildlife and Development (adopted August 2015)  
Mineral Safeguarding (adopted January 2017)  
Outdoor Play Space (adopted January 2017)  
Trees, Woodland, Hedgerows and Development Sites (adopted January 2017)  
Air Quality (adopted February 2018)  
Waste Storage and Collection (adopted January 2020)  
Sustainable Travel (adopted July 2020)  
Shopfront Design (adopted October 2021)

## **OTHER**

“Newport City Council Retail Study by Nexus Planning (September 2019) “ is not adopted policy but is a material consideration in making planning decisions.

‘The Economic Growth Strategy (and associated Economic Growth Strategy Recovery Addendum) is a material planning consideration’.

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 are relevant to the recommendations made.

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

## **APPLICATION DETAILS**

**No:** 21/1235      **Ward:** Llanwern

**Type:** Full Application

**Expiry Date:** 28th April 2022

**Applicant:** O Davies

**Site:** Avalon Station Road Llanwern Newport NP18 2DW

**Proposal:** **CONSTRUCTION OF GABION BASKET WALL, SINGLE STOREY GROUND FLOOR SIDE EXTENSION, SINGLE STOREY FIRST FLOOR EXTENSION TO CREATE A TWO STOREY PROPERTY AND INTERNAL AND EXTERNAL ALTERATIONS**

**Recommendation:** **REFUSED**

### **1. INTRODUCTION**

- 1.1 This application seeks planning permission for the erection of a single storey side extension, a first floor extension to create a two storey property and internal and external alterations, including the construction of a gabion basket wall, to the semi-detached bungalow known as Avalon, Station Road, Llanwern, Newport. An application for a similar extension to the attached property, Jasminium, is also on this agenda, reference 21/1236.
- 1.2 This application has been brought to planning committee at the request of Councillor Kellaway, to assess the overall impact on the adjacent property and the street scene.

### **2. RELEVANT SITE HISTORY**

21/1236 DEMOLITION OF EXISTING GARAGE AND SHED, SINGLE STOREY GROUND FLOOR SIDE EXTENSION, SINGLE STOREY FIRST FLOOR EXTENSION TO CREATE A TWO STOREY PROPERTY AND INTERNAL AND EXTERNAL ALTERATIONS (Jasminium, Station Road)      On this agenda

### **3. POLICY CONTEXT**

#### **3.1 [Newport Local Development Plan 2011-2026 \(Adopted January 2015\)](#)**

- Policy GP2 (General Development Principles – General Amenity) states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
- Policy GP4 (General Development Principles – Highways and Accessibility) states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.
- Policy GP5 (General Development Principles – Natural Environment) states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.
- Policy GP6 (General Development Principles – Quality of Design) states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access,

permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

- Policy T4 (Parking) states that development will be expected to provide appropriate levels of parking.

### 3.2 [House Extensions and Domestic Outbuildings Supplementary Planning Guidance \(Adopted January 2020\)](#)

## 4. CONSULTATIONS

4.1 No external consultation was undertaken.

## 5. INTERNAL COUNCIL ADVICE

5.1.1 HEAD OF CITY SERVICES (HIGHWAYS): The site is located on Station Road which is a classified road subject to a 30mph speed limit. The existing floor plan drawing AL(00)01 does not label the use of the rooms, but given the number of rooms it is taken the existing dwelling has 1 bedroom. The development proposal would remove the ground floor bedroom and provide 2 bedrooms on the new first floor resulting in a net increase in 1 bedroom. In accordance with the Newport City Council Parking Standards SPG for a property located in parking zone 5 a 1 bedroom dwelling requires 1 parking space and a 2 bedroom requires 2 spaces.

5.1.2 Photographic evidence submitted as part of the application shows a single on-site parking bay having been constructed parallel to, and immediately adjacent to, the highway. It appears this parking area may have been constructed without planning consent. Notwithstanding this an additional bedroom requires either (should the existing parking bay be unlawful) a single parking space, or (should the bay be lawful) an additional parking space.

5.1.3 Drawing AL(90)02, Existing and Proposed Site Plans, shows 2 proposed parking bays set parallel to the highway. These bays have very limited visibility from and of approaching vehicles. In accordance with the DfT publication Manual for Streets visibility splays of 2.4 x 43 metres in both directions are required from each bay. The splays cannot be provided as the applicant is not in control of the land that would be required. In the absence of the required splays vehicles emerging from either bay would have to enter the running carriageway before adequate visibility became available resulting in an increase in hazard and danger for all users of the road. This would be the case whichever direction cars were parked but would be exacerbated where the driver would be seated on the inside of the bay, ie. with parked vehicles facing south. I would therefore offer an objection to this application and recommend refusal on highway grounds.

5.2.1 HEAD OF CITY SERVICES (TREE OFFICER): Full tree/hedge information from an appropriately qualified Tree Consultant should be submitted in accordance with BS5837:2012 to support this application. This includes information on trees/hedges that border the application site. All tree/hedge information should be shown as an overlay on the layout plan. Details of SUDs measures/location are required in relation to the trees/hedgerows. The trees should inform the design layout and not vice versa, all potential conflicts between the proposed buildings and the trees should be designed out. The health, safety and longevity of the trees/hedges should not be compromised by a development. In the absence of any tree/hedge information there are objections to this application.

5.2.2 The following LDP policies are relevant:

- GP5 Natural Environment
- CE3 Environmental Spaces and Corridors
- GP2 General Development Principles
  - *“there will not be an adverse effect on local amenity”* - the trees/hedges form part of the amenity of the area.

5.3.1 HEAD OF CITY SERVICES (LANDSCAPE OFFICER): The information submitted does not meet national or local landscape policy. The site is not within a Special Landscape Area or Conservation Area. There are however some landscape issues arising from the tight site, adjoining tree cover with some likely to be affected lying outside the land ownership boundary, and the very steep slopes of the rear which require resolution. The impact on

garden vegetation and trees on adjoining land is not clear. The proposal for a gabion wall to 3.5m height within a very tight site requires a footing detail to demonstrate this is a feasible solution given space available between the dwelling and the site boundary, including tree retention outside the site. Hard landscape details surfacing, retaining wall finishes, road frontage treatment is required. Stone is a relatively common finish to walling locally. There is very little scope for new planting, but retention of existing garden planting should be surveyed and confirmed for retention, or replacement with more appropriate species provided. Noted that a similar proposal has been submitted for the adjacent property.

5.3.2 The following information is required:

1. Professional tree and hedge survey to BS5837 including any trees likely to be impacted outside the site.
2. Gabion wall detail including footing shown in relation to the dwelling, site boundary, tree survey.
3. Hard landscape plan.
4. Survey of existing garden planting with plan to show retention or a detailed planting plan to show replacement with more appropriate species. It is recommended this is undertaken by a professional landscape architect.

5.4.1 HEAD OF CITY SERVICES (ECOLOGY OFFICER): I have considered the Building Inspection in Respect of Bats submitted in support of applications 21/1235 and 21/1236. The bat roost potential of these buildings has been assessed as negligible to low on the basis that no potential access points were identified on either building (Sections 5.1 and 6). However, looking at the images and provided and those of Google StreetView, there appear to be areas of the tiled roof which are uneven and poorly maintained, with potential gaps visible among the tiles and masonry. The absence of evidence of bat use in the roof voids does not necessarily mean that bats are absent, as some of the commonest bat species such as Pipistrelles tend to roost in crevices in the structure of the roof itself. Therefore I think the potential that bat access points were missed during the initial inspection is high.

5.4.2 Nevertheless, the methodology and conclusions of the rest of the bat survey report are sound, and precautionary mitigation measures / enhancements have been proposed. This being the case, on this occasion I advise that we accept that no further surveys are required, subject to using planning conditions on both applications to secure the precautionary measures set out in section 8.2, and Appendix C, of the Building Inspection in Respect of Bats.

## **6. REPRESENTATIONS**

6.1 NEIGHBOURS: All properties that share a common boundary with the application site, and opposite, were consulted (6No properties). 5No responses were received, either offering no objection to the proposal, or offering support for the following summarised reasons:

- The original properties were two storeys in scale and more attractive than the current properties;
- The proposal would improve the existing property and would enhance the view, appearance and character of the area;
- The proposal is sympathetic to the original design when first built and the would offer a more attractive and balanced dwelling;
- The open court parking arrangement seems to be working well, but the two formal parking bays would improve highway safety and access arrangements, as well as help prevent any incorrect roadside parking;
- There will be no extra traffic issues; and
- The existing Station Road is likely to become much quieter when the new Station Road Link is completed, especially as there will be no through access to the SDR and it will only serve as a secondary access to residents of the village. The parking bay should therefore not present any problems to the low number of vehicles and pedestrians using the Station Road.

6.2 COUNCILLORS: Councillor Kellaway requests for the application to be considered at planning committee as he is interested in the overall impact on adjacent properties and street scene.

- 6.3 LLANWERN COMMUNITY COUNCIL: Llanwern Community Council wish to support this application.

## 7. ASSESSMENT

### *The Site*

- 7.1 The existing property is a modest, semi-detached bungalow of rectangular footprint located on the western side of Station Road. It lies within the Llanwern Village boundary, in close proximity to the highway and is set within a plot of limited depth. The application property is attached to the northern side of the property known as Jasminium, which has been previously extended and subject to previous refusals and a dismissed appeal (detailed further in the officer report for 21/1236). Jasminium has a similarly simple form, although it has been previously altered and extended. In the appeal decision for Jasminium (application 20/0995), the Inspector comments *“Although both extended, [Avalon and Jasminium] appear as a pair of roadside cottages that retain some symmetry in general form and scale”*.

- 7.2 Officers note that there is an element of rural character to the area and that a number of dwellings in the area surrounding the property are of mixed architectural styles. The application property has a simple form, with an existing extension of shallower roof pitch (and consequently a lower ridge height) attached to its northern end, as well as a modest front porch. Despite its simple form, it appears as a characterful, rural, roadside cottage. Externally, it has white rendered walls with a slate roof above. The increasing topography levels towards the west results in the site including rising land to its side/rear, which sits close to the footprint of the existing building. As a result, and due to the limited depth of the plot, the property’s external amenity space is located to the side of the dwelling.

### *Site History*

- 7.3 The applicant submits that this pair of properties were previously two storeys in scale and provides a newspaper photograph which appears to show this. Comments received from local residents in response to this application anecdotally corroborate this. The properties have clearly been significantly altered since that time. There is no evidence of these alterations receiving planning permission within the department’s historic records, which date back to 1973. Irrespective of their previous/original form, the assessment must consider whether the design and visual impact of the proposal is acceptable against the property as it currently stands, as well as its visual impact on the street scene.

- 7.4 Officers also note that the front boundary wall to the property has recently been removed to create a vehicular access and provide off-street car parking.

### *Proposed Development*

- 7.5 The proposal would see the construction of a first floor above the entirety of the existing property, increasing its eaves from a height of 2.7m to 5.1m (an increase of 2.4m) and its ridge from 4.85m to 7m (an increase of 2.15m). In addition, a single storey side extension would be erected to the northern side elevation, set back 0.5m from the front elevation, measuring 3.3m in width, 4.05m in depth and reaching a height of 2.69m to its eaves and 4.39m to its ridge. Both the first floor extension and the single storey side extension would utilise a pitched roof with a gable end.

- 7.6 The application also proposes engineering works through the excavation a portion of the raised bank, to be supported by a 1m-3.5m high gabion basket wall, to accommodate the proposed single storey side extension. Elsewhere, the plans propose the creation of two parallel parking bays across the site frontage and the construction of an associated 1m high retaining wall.

### *Design, Appearance and Visual Impact*

- 7.7 The SPG states that: an extension should relate sympathetically to the existing building and surrounding area; fenestration should replicate the proportions and details of doors, windows and skylights in the existing building; and that an extension should replicate the fenestration-to-elevation ratio of the existing building. In relation to side extensions, it highlights that *“Insensitively designed side extensions harm the townscape in two important ways. First, as well as distorting the front elevation of individual houses, they eliminate lines of symmetry in pairs of semi-detached houses. Second, they fill spaces between buildings, changing the*

*pattern of development in an area. Such spaces are valuable because they create a visual rhythm of solids and voids. In so doing, they help to puncture the built environment, preserving a sense of light and space at street level".* The SPG also states that a two-storey side extension (or a first-floor side extension above an existing ground floor section) should be *"set back at least 1m from the original front elevation of the existing building. Such a setback will reduce the visual impact on an extension, helping to maintain the character and appearance of both the original dwelling and the streetscape"*.

- 7.8 The works proposed as part of this application would significantly extend and subsume the existing property, to the detriment of its current form and character as a modest, roadside cottage. The scale and design of the proposal results in a structure of considerably increased bulk and massing, to the detriment of the character and appearance of the existing property. The works would also further elongate the linear form of the property which, when combined with its shallow depth and the increased height proposed, would result in a development which has an awkwardly tall appearance, contrasting with that of the existing property and the majority of those in the surrounding area. Furthermore, officers consider that the upward extension and widening of the property, combined with its elevated nature, would result in a structure of considerable height in close proximity to the highway. As a result, and given its setting opposite the gable end of Rose Cottage, officers consider that the development would result in a prominent and imposing structure, to the detriment of the character and visual amenities of the street scene as a whole.
- 7.9 In addition to the foregoing, the proposed fenestration would fail to sympathetically relate to the proportions or siting of the existing fenestration, which is to be replaced, and adds to the vertical emphasis of the property, in contrast to its existing horizontal emphasis. The proportions of the proposed upper floor openings would also conflict with the proposed ground floor openings. The elevation as a whole, including the fenestration, lacks any architectural interest or detailing which would otherwise help to break up its mass and contribute towards a principal elevation of appropriate design, appearance and detailing.
- 7.10 Overall, officers consider that the proposal, by reason its scale, massing, detailing and proximity to the highway, would be detrimental to the form, character and appearance of the host property and to the character and visual amenities of the Station Road street scene, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015).
- 7.11 The proposal to increase the height to the property may, in principle, be achievable in an acceptable manner. However, an acceptable scheme would need to be of high quality design, particularly given the local character and the site's prominence. Officers do not consider that the scheme under consideration is of sufficiently high quality design and that a re-design, with reduced massing and increased character and detailing, is necessary.

*Implementation*

- 7.12 Officers note that there is an application on this agenda which seeks permission for similar extensions to the attached property, Jasminium. The existing and proposed front elevation drawings for both applications are shown side by side below, for reference.



Figure 1 (left): Jasminium existing front elevation



Figure 2 (right): Avalon existing front elevation



- 7.13 Despite the concurrent submission by the same applicant, the LPA has limited means of ensuring that both developments take place, with no such means presented as part of these submissions. As such, no weight can be given to the appearance or impact of the developments in combination. Even if such a mechanism were available, the combined impact of both developments would markedly increase the scale, massing and visual impact of the proposal compared to existing properties and within the street scene, reinforcing and exacerbating officers' existing concerns.
- 7.14 Officers must therefore consider the scheme for the extension of Avalon in isolation. In addition to the concerns previously detailed, the extension of Avalon in the manner proposed without the extension of the attached property would result in a highly obtrusive alteration, at odds with the attached neighbour, to the detriment of the character, appearance and symmetry of the pair of semi-detached dwellings as well as the visual amenities of the street scene, in further conflict with Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015). Furthermore, no information has been provided as to how these two developments would integrate.

#### *Impact on Local Residential Amenity*

- 7.15 Having regard for the nature of the proposal, the overall 2.15m increase in height, its siting relative to the attached neighbour and the distance from the properties opposite, it is not considered that the proposal would lead to a material loss of light or overbearing impact to neighbouring occupiers. Similarly, although it would result in the creation of additional openings at a higher level, it is not considered that it would result in a material increase in overlooking of neighbouring properties, being as it faces towards the blank gable end of Rose Cottage. There is an opening in the front elevation of Rose Cottage which would directly face the proposed openings, although this is visible from a public vantage point and is some 18.5m from the proposed openings. Overall, officers consider that the proposal's impact on local residential amenity would be acceptable.

#### *Highways*

- 7.16 The scheme proposes the provision of 2 No off-street car parking spaces, laid parallel with the highway, as well as the creation of a vehicular access onto a classified road. Until the recent removal of the boundary wall, the property did not benefit from any off-street car parking provision. Policy GP4 of the Newport Local Development Plan 2011-2026 (January 2015) requires development to, *inter alia*, provide safe and suitable access arrangements, and to avoid any adverse impact on highway or pedestrian safety.
- 7.17 The layout proposed has been reviewed by the Council's Highways Officer who objects to the proposal (as detailed in section 5.1.1-5.1.3 of this report). Given the proposed layout of the spaces parallel to the highway, they would have limited visibility from and of approaching vehicles. Manual for Streets requires these spaces to have visibility splays of 2.4m x 43m in both directions, which can't be provided or achieved. The proposed arrangement would require a vehicle emerging from either bay to enter the running carriageway before adequate visibility became available resulting in an increase in hazard and danger for all users of the road. This would be the case whichever direction cars were parked but would be exacerbated where the driver would be seated on the inside of the bay, ie. with parked vehicles facing south.
- 7.18 The agent has responded to these concerns, stating that the proposed arrangement would result in an improvement to highway safety by providing off-street car parking provision, which would otherwise be accommodated on the highway. They also state that the requirement to provide 2.4m x 43m of visibility is unreasonable, given that most properties within the village do not, and could not, achieve this, and that the extent of the site means that the provision of on-site turning facilities is not possible. They also comment that the traffic levels along Station Road is likely to reduce following completion of the bypass road within the adjacent Redrow Development Site, which would render Station Road as a secondary route. Finally, they refer to an appeal decision which notes that parking standards should be applied flexibly and be informed by the local context (including public transport accessibility and with the aim of reducing reliance on the private car). The Council's Highways consultee has considered this response, but maintains their concerns and objection.

- 7.19 Officers consider that the visual impact of the proposed parking area could be acceptable, subject to the approval of details surrounding the finish of the adjacent retaining wall and the proposed surfacing materials. However, the lack of visibility from the proposed parking spaces remains a significant concern. As detailed, there are no visibility splays shown on the submitted drawings to demonstrate what visibility can be achieved against the standards prescribed by Manual for Streets.
- 7.20 Given the layout of the proposed spaces, in tandem with one another and parallel with the carriageway, users of these spaces would have their visibility of traffic impeded in several ways. Should the cars be parked facing north, the driver would be located closer to the carriageway and would have some visibility of cars travelling south along Station Road. However, visibility of cars travelling northbound (on the nearest side of the carriageway) could only be obtained either by looking in their mirror and/or over their shoulder, or by entering into the running carriageway. Visibility in this direction may also be impeded by the neighbouring wall and fence serving Jasminium, and by a car parked in the other proposed space. Should cars be parked facing south, the driver would be on the other side of the vehicle, furthest from the carriageway, which would again require the vehicle to enter the running carriageway to achieve visibility of oncoming traffic. Visibility towards the south would be further reduced by the wall and fence at Jasminium and by a vehicle parked in the other space, with the boundary hedge to Avalon also impeding visibility to the north. It is considered that the proposed parking arrangement would create a significant hazard and threat to highway safety through lack of visibility.
- 7.21 Officers acknowledge that there would be some merit in creating off-street parking spaces given that it could remove on-street parking. However, officers opine that on-street parking is generally discouraged by the nature of Station Road in this location. Although the removal of potential on-street parking could assist in the free flow of traffic, any on-street parking does not engage the visibility issues that are presented by the proposed spaces. Vehicles travelling along Station Road in both directions would have good forward visibility, so can manoeuvre around parked vehicles safely, as opposed having to contend with vehicles egressing the parking spaces without sufficient visibility of oncoming traffic.
- 7.22 Officers disagree that the requirement for sufficient visibility of oncoming traffic is unreasonable on the basis that other nearby properties may not achieve this. Even if this were the correct, it would not be appropriate to permit the creation of substandard parking provision which would exacerbate any existing highway safety issues from historical access points. The claim that traffic levels along Station Road will reduce is as yet unproven and therefore carries little weight. Finally, officers accept that parking requirements should be applied flexibly, based on the local context. The Council's Adopted Parking Standards allows for a reduction in parking demand, if justified by a sustainability assessment undertaken in accordance with Appendix 5 of the standards. No assessment has been submitted in support of this application. Nevertheless, officers do not consider that it would qualify for a reduction in parking provision from a sustainability assessment given the limited access to local services, facilities and amenities, as well as the lack of any public transport alternatives locally. It is noted that the proposal only requires the provision of one parking space, although the submission has sought two and so shall be assessed as submitted.
- 7.23 Overall, officers consider that the proposal, by reason of its lack of submitted visibility splays, the layout and arrangement of the proposed spaces and the impediments to visibility from these spaces, would fail to provide safe and suitable access arrangements and would be detrimental to highway safety, contrary to Policy GP4 of the Newport Local Development Plan 2011-2026 (January 2015). Given the inadequacy of the proposed spaces, the proposal would also fail to provide the required number of off-street car parking spaces, contrary to Policy T4 of the Newport Local Development Plan 2011-2026 (January 2015).

*Trees and Landscaping*

- 7.24 Policy GP5 of the Newport Local Development Plan 2011-2026 (January 2015) requires developments to, inter alia: protect and encourage biodiversity; demonstrate how they avoid, or mitigate and compensate negative impacts to biodiversity; have no unacceptable impact on landscape quality; include an appropriate landscape scheme, which enhances the site and the wider context; and include appropriate tree planting or retention and not result in the

unacceptable loss of or harm to trees, woodland or hedgerows that have wildlife or amenity value.

- 7.25 The development results in the apparent loss of hedgerow and trees as a result of the engineering works proposed to facilitate the extension and the gabion basket wall, as well as the loss of hedgerow to facilitate the proposed car parking spaces. It may also result in an impact on trees and vegetation outside of the site boundary. No supporting tree/hedgerow survey (BS5837) has been submitted in support of the application to detail the extent of the potential loss or adverse impact to these features, nor to detail any protection measures. Similarly, no landscaping survey or information has been provided, required to assess the impact of the proposal on the landscape qualities of the site, to secure compensatory planting (if necessary) and to enhance the environmental and biodiversity qualities of the site. The loss of or potential damage to these features, without any mitigation or compensation, would be detrimental to the environmental and biodiversity qualities of the site and to the visual amenities of the site and surrounding area, contrary to Policies GP2 and GP5 of the Newport Local Development Plan 2011-2026 (January 2015).
- 7.26 Furthermore, the gabion basket wall would be sited close to the boundary of the site with elevated third party land. No structural details have been provided to assess or demonstrate that the gabion basket wall would offer the required stability to the adjacent third party land. In the absence of this information, the development is considered contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015). Had this application been recommended for approval, these details could have been secured by planning condition. There is also a lack of hard landscaping details, including surfacing, retaining wall finishes and road frontage treatment, although these details could also be secured by planning condition.

#### *Bats*

- 7.27 The development is also required to demonstrate that it would not lead to an adverse impact on any protected species, in accordance with Policy GP5 of the Newport Local Development Plan 2011-2026 (January 2015). A supporting bat survey has been provided, which assesses the bat roost potential of the building as negligible to low on the basis that no potential access points were identified on the building, although the Council's Ecologist considers that this may not be correct and that there is a high potential that bat access points were missed during the initial inspection. Nevertheless, the Council's Ecologist finds that the methodology, conclusions and the precautionary mitigation measures and enhancements proposed are sound and that, subject to a condition to secure these precautionary measures, there would be no adverse impact on a protected species.

## **8. OTHER CONSIDERATIONS**

### **8.1 *Crime and Disorder Act 1998***

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

### **8.2 *Equality Act 2010***

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

### **8.3 Having due regard to advancing equality involves:**

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

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.

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

8.6 ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

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

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

**9. CONCLUSION**

9.1 Officers consider that the proposal, by reason of its scale, height, massing, design, detailing and proximity to the highway, would be detrimental to the form, character and appearance of the host property, the character, symmetry and visual amenities of the pair of semi-detached dwellings and the character and visual amenities of the wider Station Road street scene, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015).

9.2 Officers also consider that the proposal, by reason of its lack of visibility information, the layout of the proposed spaces and the impediments to visibility, would fail to provide safe and suitable access arrangements, fail to provide sufficient off-street parking and would be detrimental to highway safety, contrary to Policies GP4 and T4 of the Newport Local Development Plan 2011-2026 (January 2015).

9.3 No supporting tree, hedgerow or landscaping information has been provided as part of this submission to demonstrate that the proposal would either safeguard these important environmental features, or provide suitable compensation and enhancement, contrary to Policies GP2 and GP5 of the Newport Local Development Plan 2011-2026 (January 2015). Finally, the proposal would have an acceptable impact on protected species.

9.4 The submission also lacks structural calculations for the proposed gabion basket wall, to demonstrate that it offers the required support to elevated third party land, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015).

9.5 As a result of the foregoing, officers recommend that planning permission is refused.

**10. RECOMMENDATION**

REFUSED

01 By reason of its scale, height, massing, design, detailing and proximity to the highway, the proposed development would represent a bulky, obtrusive and unsympathetic alteration to the property, to the detriment of the form, character and appearance of the host property,

the character, symmetry and visual amenities of the pair of semi-detached dwellings and the character and visual amenities of the wider Station Road street scene, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015).

02 By reason of its lack of visibility information, the layout of the parking spaces and the impediments to visibility, the proposed development would fail to provide safe and suitable access arrangements, fail to provide sufficient off-street parking and would be detrimental to highway safety, contrary to Policies GP4 and T4 of the Newport Local Development Plan 2011-2026 (January 2015).

03 The proposal, by reason of a lack of survey or supporting information, fails to demonstrate that the proposal would not have an adverse impact upon interests of acknowledged importance, namely trees, hedgerows or landscaping. Any loss or damage, without suitable compensation, would be detrimental to the environmental qualities of the site and the amenities of the area, contrary to Policies GP2 and GP5 of the Newport Local Development Plan 2011-2026 (January 2015).

04 The proposal, by reason of a lack structural details or calculations, fails to demonstrate that the proposed gabion basket wall would provide the necessary support to elevated third party land in the interests of high quality design and local amenity, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015).

#### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: AL(90)10; AL(90)02; AL(00)01; AL(00)10; AL(00)15; AL(00)30; Site Photographs; Celtic Ecology Building Inspection in Respect of Bats (dated March 2022); and Email from Arran Dallimore, dated 31 March 2022.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP5, GP6 and T4 were relevant to the determination of this application.

03 The Council's Supplementary Planning Guidance - House Extensions and Domestic Outbuildings (January 2020) was adopted following consultation and is relevant to the determination of this application.

04 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

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

To view site in context and to consider highway impact.

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## APPLICATION DETAILS

**No:** 21/1236      **Ward:** Llanwern

**Type:** Full Application

**Expiry Date:** 28th April 2022

**Applicant:** L McCarthy

**Site:** *Jasminium Station Road Llanwern Newport NP18 2DW*

**Proposal:** **DEMOLITION OF EXISTING GARAGE AND SHED, SINGLE STOREY GROUND FLOOR SIDE EXTENSION, SINGLE STOREY FIRST FLOOR EXTENSION TO CREATE A TWO STOREY PROPERTY AND INTERNAL AND EXTERNAL ALTERATIONS**

**Recommendation:** **REFUSED**

### 1. INTRODUCTION

- 1.1 This application seeks planning permission for demolition of an existing garage and shed and the construction of a single storey side extension, a first floor extension to create a two storey property, as well as internal and external alterations to the semi-detached bungalow known as Jasminium, Station Road, Llanwern, Newport. An application for a similar extension to the attached property, Avalon, is also on this agenda, reference 21/1235.
- 1.2 This application has been brought to planning committee at the request of Councillor Kellaway, to assess the overall impact on the adjacent property and the street scene.

### 2. RELEVANT SITE HISTORY

96/0356	FIRST FLOOR EXTENSION	Refused
19/0963	ERECTION OF TWO STOREY SIDE EXTENSION	Refused
20/0031	ERECTION OF TWO STOREY SIDE EXTENSION AND WIDENING OF EXISTING ACCESS (RESUBMISSION OF 19/0963)	Refused
20/0643	ERECTION OF TWO STOREY SIDE EXTENSION AND WIDENING OF EXISTING ACCESS (RESUBMISSION OF 20/0031)	Refused
20/0995	ERECTION OF TWO STOREY SIDE EXTENSION AND WIDENING OF EXISTING ACCESS (RESUBMISSION OF 20/0643)	Refused, appeal dismissed

### 3. POLICY CONTEXT

- 3.1 [Newport Local Development Plan 2011-2026 \(Adopted January 2015\)](#)
- Policy GP2 (General Development Principles – General Amenity) states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
  - Policy GP4 (General Development Principles – Highways and Accessibility) states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.
  - Policy GP5 (General Development Principles – Natural Environment) states that proposals should be designed to protect and encourage biodiversity and ecological

connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.

- Policy GP6 (General Development Principles – Quality of Design) states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.
- Policy T4 (Parking) states that development will be expected to provide appropriate levels of parking.

### 3.2 [House Extensions and Domestic Outbuildings Supplementary Planning Guidance \(Adopted January 2020\)](#)

## 4. CONSULTATIONS

4.1 No external consultation was undertaken.

## 5. INTERNAL COUNCIL ADVICE

5.1.1 HEAD OF CITY SERVICES (HIGHWAYS): The site is located on Station Road, a predominantly residential road subject to a 30mph speed limit. The development proposal would result in an increase in the number of bedrooms from 2 to 5. For a 2 bedroom dwelling at this location the Newport City Council Parking Standards SPG (2015) requires 2 parking spaces, and for a 3+ bedroom 3 spaces. There is an existing parking space fronting the property and a driveway to the side which appears capable of accommodating 2 cars. The development proposal would result in an improvement to the side driveway by the provision of a vehicle turning area.

5.1.2 The side driveway access has very limited visibility from and of emerging vehicles. The proposal would be likely to result in an increase in its use given the requirement for 3 parking spaces. Visibility splays of 2.4 x 43 metres in both directions would be required but to the south this would be unachievable as third party land would be required. I am aware of the decision in application 20/0995 and the subsequent appeal, but would nevertheless offer an objection to this application on the grounds of inadequate access visibility.

5.2.1 HEAD OF CITY SERVICES (TREE OFFICER): Full tree/hedge information from an appropriately qualified Tree Consultant should be submitted in accordance with BS5837:2012 to support this application. This includes information on trees/hedges that border the application site. All tree/hedge information should be shown as an overlay on the layout plan. Details of SUDs measures/location are required in relation to the trees/hedgerows. The trees should inform the design layout and not vice versa, all potential conflicts between the proposed buildings and the trees should be designed out. The health, safety and longevity of the trees/hedges should not be compromised by a development. In the absence of any tree/hedge information there are objections to this application.

5.2.2 The following LDP policies are relevant:

- GP5 Natural Environment
- CE3 Environmental Spaces and Corridors
- GP2 General Development Principles
  - *“there will not be an adverse effect on local amenity”* - the trees/hedges form part of the amenity of the area.

5.3.1 HEAD OF CITY SERVICES (LANDSCAPE OFFICER): The information submitted does not meet national or local landscape policy. The site is not within a Special Landscape Area or Conservation Area. There are however some landscape issues arising from the tight site, adjoining tree cover with some likely to be affected lying outside the land ownership boundary, and the very steep slopes to the rear which require resolution. The impact on garden vegetation and trees on adjoining land is not clear. Hard landscape details are required for surfacing, boundary treatment to road frontage, and confirmation of how levels

for the car turning area will adjoin +7.56m at the road and the site boundary at around +10m. There is very little scope for new planting, but retention of existing garden planting should be surveyed and confirmed for retention, or replacement with more appropriate species provided. Noted that a similar proposal has been submitted for the adjacent property.

5.3.2 The following information is required:

1. Professional tree and hedge survey to BS5837 including any trees likely to be impacted outside the site.
2. Hard landscape plan with proposed levels for the car turning area.
3. Survey of existing garden planting with plan to show retention or a detailed planting plan to show replacement with more appropriate species. It is recommended this is undertaken by a professional landscape architect.

5.4.1 HEAD OF CITY SERVICES (ECOLOGY OFFICER): I have considered the Building Inspection in Respect of Bats submitted in support of applications 21/1235 and 21/1236. The bat roost potential of these buildings has been assessed as negligible to low on the basis that no potential access points were identified on either building (Sections 5.1 and 6). However, looking at the images and provided and those of Google StreetView, there appear to be areas of the tiled roof which are uneven and poorly maintained, with potential gaps visible among the tiles and masonry. The absence of evidence of bat use in the roof voids does not necessarily mean that bats are absent, as some of the commonest bat species such as Pipistrelles tend to roost in crevices in the structure of the roof itself. Therefore I think the potential that bat access points were missed during the initial inspection is high.

5.4.2 Nevertheless, the methodology and conclusions of the rest of the bat survey report are sound, and precautionary mitigation measures / enhancements have been proposed. This being the case, on this occasion I advise that we accept that no further surveys are required, subject to using planning conditions on both applications to secure the precautionary measures set out in section 8.2, and Appendix C, of the Building Inspection in Respect of Bats.

## 6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties that share a common boundary with the application site, and opposite, were consulted (4No properties). 4No responses were received, offering support for the following summarised reasons:

- The original properties were two storeys in scale and more attractive than the current properties;
- The proposal would improve the existing property and would enhance the view, appearance and character of the area;
- The proposal is sympathetic to the original design when first built and the would offer a more attractive and balanced dwelling;
- The proposed plan seems to enhance the current parking arrangements and, as it is currently working well, it would not cause highway safety issues, or would offer an improvement. The existing parking arrangements to both the front and side of the dwelling have always worked very well;
- There will be no extra traffic issues; and
- The existing Station Road is likely to become much quieter when the new Station Road Link is completed, especially as there will be no through access to the SDR and it will only serve as a secondary access to residents of the village. The parking bay should therefore not present any problems to the low number of vehicles and pedestrians using Station Road.

6.2 COUNCILLORS: Councillor Kellaway requests for the application to be considered at planning committee as he is interested in the overall impact on adjacent properties and street scene.

6.3 LLANWERN COMMUNITY COUNCIL: Llanwern Community Council wish to support this application.

## 7. ASSESSMENT

### *The Site*

- 7.1 The existing property is a modestly sized, semi-detached bungalow of rectangular footprint located on the western side of Station Road. It lies within the Llanwern Village boundary, in close proximity to the highway, and is set within a wide, rectangular plot of limited depth. The property itself lies towards the northern end of the plot, elevated above the level of Station and is attached to the southern side of the property known as Avalon. The remainder of the plot comprises landscaped amenity space, with a detached, pitch roofed (converted) garage at its southern end, along with a vehicular access and off-street parking area. The property also benefits from a parking bay along the Station Road frontage, adjacent to the property itself. The local topography levels increase towards the west, meaning that there is a raised vegetated bank along the western site boundary, near to the footprint of the existing building.
- 7.2 Officers note that there is an element of rural character to the area and that a number of dwellings in the area surrounding the property are of mixed architectural styles. The property has been previously extended to the side, with the eaves and ridge height of the extension matching those of the original property. A front porch has also been added which projects forward of its principal elevation towards Station Road. Although previously extended, the application property retains a simple form and it appears as a characterful, rural, roadside cottage. Externally, it has rendered walls, a tiled roof, timber windows and UPVC doors. The attached neighbour, Avalon, is of a similarly modest scale and simple form and has also been previously extended. In a previous appeal decision on this property (application 20/0995), the Inspector commented *“Although both extended, [Avalon and Jasminium] appear as a pair of roadside cottages that retain some symmetry in general form and scale”*.

### *Site History*

- 7.3 The applicant submits that this pair of properties were previously two storeys in scale and provides a newspaper photograph which appears to show this. Comments received from local residents in response to this application anecdotally corroborate this. The properties have clearly been significantly altered since that time. There is no evidence of these alterations receiving planning permission within the department's historic records, which date back to 1973. Irrespective of their previous/original form, this assessment must consider whether the design and visual impact of the proposal is acceptable against the property as it currently stands, as well as its visual impact on the street scene.
- 7.4 There have been several previous applications for this property, as listed in section 2 of this report. Application 96/0356 sought a first floor extension to the property, but was refused for the following reason: *“The proposed extension on one half of the semi detached property by reason of its height and design would be out of keeping with the scale and character of the pair of semis, resulting in an unbalanced appearance to the detriment of the visual amenities of the property and the street scene as a whole”*.
- 7.5 A number of more recent applications has sought permission for a two storey side extension to the property, utilising the lower ground level of the adjacent garden to accommodate two storeys internally. However, all were refused due to the proposals being considered bulky and unsympathetic additions to the property that would have a detrimental impact on the character and appearance of the host dwelling and surrounding streetscape, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015). The most recently refused application, 20/0995, was also dismissed at appeal. In that case, the extension included only a token set-back from the front elevation and set-down from the eaves and ridge of the existing property. In their decision, the Inspector commented that *“The limited depth of the plot means that the proposed two storey extension would be prominent in views from the road. Its scale and limited set back means that it would not appear subservient to the existing modest bungalow”*, concluding that *“The scale and design of the proposal means that it would be a bulky and unsympathetic addition to this modest property”*.

### *Proposed Development*

- 7.6 The proposal would see the demolition of part of the existing property (including the front projection), the erection of a first floor extension above the remainder of the property and the erection of a single storey side extension. The resulting two storey section of the property would measure 11.45m in width, 4.6m in depth and reach a height of 5.1m to the eaves (an

increase of 2.4m compared to the 2.7m of the existing) and 7m to the ridge of its pitched roof (an increase of 2.15m compared to the 4.85m of existing).

- 7.7 The single storey side extension would measure 5.3m in width and 4.25m in depth, set back 0.3m from the front of the two storey section. It would reach a height of 2.65m to the eaves and 4.45m to the ridge. Externally, the proposal include 3No windows in the ground floor of the two storey section, with 4No windows on the upper floor. The two storey section would also include a southern gable end window at first floor level. The single storey side extension would include a window in its front elevation and a set of bi-folding doors in its southern elevation.
- 7.8 The proposal also includes the demolition of existing detached garage and shed, and provision of 2No off-street car parking spaces with an on-site turning area. This parking provision is in addition to the existing roadside bay. The widening of the existing access is also shown on the proposed plans.

*Design, Appearance and Visual Impact*

- 7.9 The SPG states that: an extension should relate sympathetically to the existing building and surrounding area; fenestration should replicate the proportions and details of doors, windows and skylights in the existing building; and that an extension should replicate the fenestration-to-elevation ratio of the existing building. In relation to side extensions, it highlights that *“Insensitively designed side extensions harm the townscape in two important ways. First, as well as distorting the front elevations of individual houses, they eliminate lines of symmetry in pairs of semi-detached houses. Second, they fill spaces between buildings, changing the pattern of development in an area. Such spaces are valuable because they create a visual rhythm of solids and voids. In so doing, they help to puncture the built environment, preserving a sense of light and space at street level”*. The SPG also states that a two-storey side extension (or a first-floor side extension above an existing ground floor section) should be *“set back at least 1m from the original front elevation of the existing building. Such a setback will reduce the visual impact on an extension, helping to maintain the character and appearance of both the original dwelling and the streetscape”*.
- 7.10 The works proposed as part of this application would significantly extend and subsume the existing property, to the detriment of its current form and character as a modest, roadside cottage. The scale and design of the proposal results in an obtrusive structure of considerably increased bulk and massing, to the detriment of the character and appearance of the existing property. The works would also further elongate the linear form of the property which, when combined with its shallow depth and the increased height proposed, would result in a development which has an awkwardly tall appearance, contrasting with that of the existing property and the majority of those in the surrounding area.
- 7.11 Officers consider that the upward extension of the property would result in a structure of considerable height in close proximity to the highway, exacerbated by its ground level being raised above the level of the highway, which is not illustrated on the proposed elevations drawing. However, this is illustrated on the Station Road section drawing (below at Figure 1) which shows the height of the proposal relative to the adjacent highway. The increased height and width of the property, in close proximity to the highway, would result in the creation of a prominent and imposing structure, exacerbated by the gable end of Rose Cottage opposite, to the detriment of the character and visual amenities of the street scene as a whole. It is also noted that the eaves and ridge height of the single storey side extension would be almost identical to that of the previously refused two storey side extension, which was also dismissed at appeal by the Inspector for its scale and design, although it would arguably appear subservient to the remainder of the extended property.



Figure 1: Proposed Station Road section

- 7.12 In addition to the foregoing, the proposed fenestration would fail to sympathetically relate to the proportions or siting of the existing fenestration, which is to be replaced, and adds to the vertical emphasis of the property, in contrast to its existing horizontal emphasis. The proportions of the proposed upper floor openings would also conflict with the proposed ground floor openings, with the first floor bathroom window also appearing out of keeping. The elevation as a whole, including the fenestration, lacks any architectural interest or detailing which would otherwise help to break up its mass and contribute towards a principal elevation of appropriate design, appearance and detailing.
- 7.13 Overall, officers consider that the proposal, would represent a bulky, obtrusive and unsympathetic alteration to the property, to the detriment of its form, character and appearance, as well as the character and visual amenities of the wider Station Road street scene, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015).
- 7.14 The proposal to increase the height to the property may, in principle, be achievable in an acceptable manner. However, an acceptable scheme would need to be of high quality design, particularly given the local character and the site's prominence. Officers do not consider that the scheme under consideration is of sufficiently high quality design and that a re-design, with reduced massing and increased character and detailing, is necessary.

*Implementation*

- 7.15 Officers note that there is an application on this agenda which seeks permission for similar extensions to the attached property, Avalon. The existing and proposed front elevation drawings for both applications are shown side by side below, for reference.



Figure 2 (left): Jasminium existing front elevation

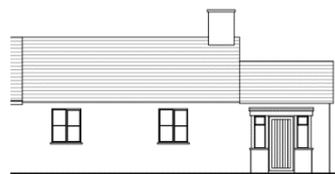


Figure 3 (right): Avalon existing front elevation



Figure 4 (left): Jasminium proposed front elevation



Figure 5 (right): Avalon proposed front elevation

- 7.16 Despite the concurrent submission by the same applicant, the LPA has limited means of ensuring that both developments take place, with no such means presented as part of these submissions. As such, no weight can be given to the appearance or impact of the developments in combination. Even if such a mechanism were available, the combined impact of both developments would markedly increase the scale, massing and visual impact of the proposal compared to existing properties and within the street scene, reinforcing and exacerbating officers' existing concerns.

7.17 Officers must therefore consider the scheme for the extension of Jasminium in isolation. In addition to the concerns previously detailed, the extension of Jasminium in the manner proposed without the extension of the attached property would result in a highly obtrusive alteration, at odds with the attached neighbour, to the detriment of the character, appearance and symmetry of the pair of semi-detached dwellings as well as the visual amenities of the street scene, in further conflict with Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015). These concerns align with those of the 96/0356 application. Furthermore, no information has been provided as to how these two developments would integrate.

#### *Impact on Local Residential Amenity*

7.18 Having regard for the nature of the proposal, the overall 2.15m increase in height, its siting relative to the attached neighbour and the distance from the properties opposite, it is not considered that the proposal would lead to a material loss of light or overbearing impact to neighbouring occupiers. Similarly, although it would result in the creation of additional openings at a higher level, it is not considered that it would result in a material increase in overlooking of neighbouring properties. The nearest potential issue of overlooking would be towards the rear elevation and rear garden of Rose Cottage, opposite. However, the proposal would be some 9.5m from the boundary with Rose Cottage and the elevations of these properties are laid out at an angle with an existing level of mutual overlooking. Therefore, it is not considered that the proposal would worsen the existing situation. Overall, officers consider that the proposal's impact on local residential amenity would be acceptable.

#### *Highways*

7.19 The scheme proposes the widening of the existing access towards the southern end of the site, the formalisation of 2No off-street car parking spaces and the provision of an on-site turning area, in place of a demolished garage and shed. These two spaces, combined with the existing roadside bay, would provide the property would a total of 3No car parking spaces, which would accord with the requirement for a 3+ bedroom property, in line with the Council's Parking Standards SPG and Policy T4 of the Newport Local Development Plan 2011-2026 (January 2015).

7.20 Policy GP4 of the Newport Local Development Plan 2011-2026 (January 2015) requires development to, *inter alia*, provide safe and suitable access arrangements, and to avoid any adverse impact on highway or pedestrian safety. Although they acknowledge that the proposal would result in an improvement to the driveway by the provision of a vehicle turning area, the Council's Highways Officer has objected to the proposal, as detailed in section 5.1 of this report. Their concerns are that the driveway has limited visibility from and of emerging vehicles and that the proposal is likely to increase its use given the requirement for 3No spaces. As such, they state that visibility splays of 2.4 x 43 metres in both directions would be required, and may not be achievable.

7.21 The proposed works would widen the existing access, formalise parking arrangements on site and provide an on-site turning area to allow vehicles to access and egress the site in a forward gear. These works would markedly improve the site's existing access and parking arrangements. Whilst the proposal may not have evidenced the required visibility, it is considered that as these works would improve an existing substandard access and serve a similar use, they would be acceptable. This aligns with the Council's stance on the same arrangement as submitted under application 20/0995, a stance which was also supported by the Planning Inspector. As such, it is considered that the proposal would be served by acceptable access arrangements, sufficient parking and would avoid any adverse impact on highway safety.

#### *Trees and Landscaping*

7.22 Policy GP5 of the Newport Local Development Plan 2011-2026 (January 2015) requires developments to, *inter alia*: protect and encourage biodiversity; demonstrate how they avoid, or mitigate and compensate negative impacts to biodiversity; have no unacceptable impact on landscape quality; include an appropriate landscape scheme, which enhances the site and the wider context; and include appropriate tree planting or retention and not result in the unacceptable loss of or harm to trees, woodland or hedgerows that have wildlife or amenity value.

7.23 The proposed works would have an impact on the landscape features of the site, including trees, hedgerows and vegetation both within and outside of the site boundary. No supporting tree/hedgerow survey (BS5837) has been submitted in support of the application to detail the extent of the potential loss or adverse impact to these features, nor to detail any protection measures. Similarly, no landscaping survey or information has been provided, required to assess the impact of the proposal on the landscape qualities of the site, to secure compensatory planting (if necessary) and to enhance the environmental, biodiversity and amenity qualities of the site. The application also lacks detail on the potential impact of the proposed access and parking area on the site's landscape features and site topography. The loss of or potential damage to these features, without any mitigation or compensation, would be detrimental to the environmental and biodiversity qualities of the site and to the visual amenities of the site and surrounding area, contrary to Policies GP2 and GP5 of the Newport Local Development Plan 2011-2026 (January 2015). There is also a lack of hard landscaping details, including surfacing and road frontage treatment, although these details could be secured by planning condition.

#### *Bats*

7.24 The development is also required to demonstrate that it would not lead to an adverse impact on any protected species, in accordance with Policy GP5 of the Newport Local Development Plan 2011-2026 (January 2015). A supporting bat survey has been provided, which assesses the bat roost potential of the building as negligible to low on the basis that no potential access points were identified on the building, although the Council's Ecologist considers that this may not be correct and that there is a high potential that bat access points were missed during the initial inspection. Nevertheless, the Council's Ecologist finds that the methodology, conclusions and the precautionary mitigation measures and enhancements proposed are sound and that, subject to a condition to secure these precautionary measures, there would be no adverse impact on a protected species.

## **8. OTHER CONSIDERATIONS**

### **8.1 *Crime and Disorder Act 1998***

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

### **8.2 *Equality Act 2010***

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

8.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

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.

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

### **8.6 *Planning (Wales) Act 2015 (Welsyl Plannu 2015)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

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

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

### 9. **CONCLUSION**

9.1 Officers consider that the proposal, by reason of its scale, height, massing, design, detailing, elevated nature and proximity to the highway, would be detrimental to the form, character and appearance of the host property, the character, symmetry and visual amenities of the pair of semi-detached dwellings and the character and visual amenities of the wider Station Road street scene, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015).

9.2 No supporting tree, hedgerow or landscaping information has been provided as part of this submission to demonstrate that the proposal would either safeguard these important environmental features, or provide suitable compensation and enhancement. There is also a lack of detail on the impact of the proposed access and parking area on the site's landscape features and the site topography. The scheme is therefore considered contrary to Policies GP2 and GP5 of the Newport Local Development Plan 2011-2026 (January 2015). The proposal would have an acceptable impact on protected species.

9.3 The proposed works to widen the existing access, formalise the off-street car parking and provide an on-site turning area are considered to be acceptable, in accordance with Policies GP4 and T4 of the Newport Local Development Plan 2011-2026 (January 2015). However, the lack of tree, hedgerow and landscaping information as part of this application means that a full assessment of the impact of these works are not able to be undertaken. As such, it is not possible to recommend that the application is part granted in respect of this element.

9.4 As a result of the foregoing, officers recommend that planning permission is refused.

### 10. **RECOMMENDATION**

#### REFUSED

01 By reason of its scale, height, massing, design, detailing, elevated nature and proximity to the highway, the proposed development would represent a bulky, obtrusive and unsympathetic alteration to the property, to the detriment of its form, character and appearance, as well as the character, symmetry and visual amenities of the pair of semi-detached dwellings and the character and visual amenities of the wider Station Road street scene, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015).

02 The proposal, by reason of a lack of survey or supporting information, fails to demonstrate that the proposal would not have an adverse impact upon interests of acknowledged importance, namely trees, hedgerows and landscaping. Any loss or damage to these features without suitable compensation would be detrimental to the environmental qualities of the site and the amenities of the area. The submission also fails to address the potential impact of the proposed access and parking area on the site's landscape features and topography. The

development is therefore considered contrary to Policies GP2 and GP5 of the Newport Local Development Plan 2011-2026 (January 2015).

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: AL(90)02; AL(90)10; AL(00)01; AL(00)10; AL(00)15; AL(00)30; Site Photographs; Celtic Ecology Building Inspection in Respect of Bats (dated March 2022); and Email from Arran Dallimore, dated 31 March 2022.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP5, GP6 and T4 were relevant to the determination of this application.

03 The Council's Supplementary Planning Guidance - House Extensions and Domestic Outbuildings (January 2020) was adopted following consultation and is relevant to the determination of this application.

04 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

**11. REASON FOR THE SITE INSPECTION**

To view site in context and to consider highway impact.

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