

## APPLICATION DETAILS

**No:** 23/0971      **Ward:** Allt-yr-Yn

**Type:** Full

**Expiry Date:** 31st May 2024

**Applicant:** A James

**Site:** 94 Allt-Yr-Yn Avenue Newport NP20 5DE

**Proposal:** **THE SUBDIVISION OF CURTILAGE & ERECTION OF TWO DETACHED DWELLING HOUSES**

**Recommendation:** **GRANTED WITH CONDITIONS AND SUBJECT TO A SECTION 106 LEGAL AGREEMENT WITH DELEGATED AUTHORITY TO HEAD OF REGENERATION AND ECONOMIC DEVELOPMENT TO USE DISCRETION TO REFUSE IF NOT SIGNED WITHIN 3 MONTHS OF A RESOLUTION**

### 1. Introduction

- 1.1** This application was previously reported to Planning Committee on 3rd July 2024 at the Request of Councillor Fouweather. The Committee resolved to approved the application subject to conditions and a legal agreement to secure a contribution towards affordable housing. During the preparation of the legal agreement, it was identified that the applicant did not own all the land included within the red line boundary of the submitted site plan. As a result, the site boundary has been amended. As this application was previously reported to Planning Committee for a resolution it is now reported back with a reduced redline/site boundary.
- 1.2** The reduced area relates to the rear garden depth of 'House 1', which has been reduced from 10.7m to a minimum of 8.95m and a maximum of 9.3m. A revised proposal has been submitted reflecting this change. The only matter arising from this amendment that requires further assessment is the impact on residential amenity for both neighbouring residents and future occupiers of 'House 1'. All other aspects of the scheme remain unchanged.
- 1.3** The application seeks consent for the subdivision of the curtilages of 94 and 96 Allt Yr Yn Avenue, to allow for the construction of 2no. detached dwellings. The site is located within the Allt-Yr-Yn ward. Councillor David Fouweather requested that this application be presented to planning committee. The site is located within the defined settlement boundary and within a residential area. The proposed dwellings would be accessed via Allt Yr Yn View with parking arranged to the front and private rear amenity areas. The dwellings are proposed as 3 stroey with a contempary design.

### 2. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
17/1008	Subdivision of Curtilage to Allow for the Erection of Four Bedroom Detached Dwelling (Outline) Accessed From Allt-Yr-Yn Avenue And Creation of front Parking Area For Existing Dwelling	Refused	12.02.2018

19/0124	Subdivision of Curtilage and Erection of 2no. Dwellings (Outline)	Granted with Conditions	30.06.2021
21/1177	Part Two Storey and Part Single Storey Rear Extension, Alterations and Extensions to Roof and New Fenestration at No. 94 Allt Yr Yn Avenue	Granted with Conditions	29.04.2022
22/0588	Reserved Matters for the Approval of Layout, Scale, Appearance and Landscaping of Permission 19/0124 for Subdivision of Curtilage and Erection of 2 No. Dwellings	Refused	11.05.2023

### 3. POLICY CONTEXT

#### 3.1 *Newport Local Development Plan 2011-2026 (adopted January 2015)*

Policy **SP1 Sustainability** favours proposals which make a positive contribution to sustainable development.

Policy **SP13 Planning Obligations** enables contributions to be sought from developers that will help deliver infrastructure which is necessary to support development.

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 **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 **H4 Affordable Housing** sets out the affordable housing targets for the four submarket areas within Newport. For new housing sites of fewer than 10 dwellings within the settlement boundary, and fewer than 3 dwellings within the village boundaries, a commuted sum will be sought.

Policy **H6 Sub-division of Curtilages, Infill and Backland Development** permits such development only where it does not represent an over development of the land.

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

Policy **W3 Provision for Waste Management Facilities in Development** states that where appropriate, facilities for waste management will be sought on all new development.

#### 3.2 **Adopted Supplementary Planning Guidance**

- Sustainable Travel
- Planning Obligations
- Affordable Housing
- Wildlife and Development
- New Dwellings
- Waste Storage and Collection
- Parking Standards.

#### 4. CONSULTATIONS

##### 4.1 *Welsh Water/Dwr Cymru* : No objection subject to condition:

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

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

#### 5. INTERNAL COUNCIL ADVICE

##### 5.1 *Structural Engineer*: No objections

##### 5.2 *Highways*: No objection subject to conditions:

- No gates or other means of obstruction shall be placed across the vehicular access formed as part of this development.  
Reason: To permit vehicles to pull clear of the carriageway when entering the site in the interests of road safety.
- The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in drawing number DLP P592d L\_003 RevB . The parking and servicing areas shall be retained as such thereafter.  
Reason: To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles as well
- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that order), the garage shall not be converted to living accommodation or used for any purpose that would preclude the storage of a car except following the express grant of planning permission by the Council.  
Reason: To ensure that appropriate provision for parking vehicles is made within the curtilage of the dwelling. In particular that adequate secondary off-street parking space is available so that vehicles do not over-hang the footway and that unimpeded visibility is maintained for all road users.
- No works shall take place on the site at all until a method statement comprehensively detailing the phasing and logistics of demolition/construction has been submitted to and approved in writing by the Council as Local Planning Authority.  
The method statement shall include, but not be limited to:  
Construction traffic routes, including provision for access to the site  
Entrance/exit from the site for visitors/contractors/deliveries  
Location of directional signage within the site  
Siting of temporary containers  
Parking for contractors, site operatives and visitors  
Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction  
Temporary roads/areas of hard standing  
Schedule for large vehicles delivering/exporting materials to and from site and details of manoeuvring arrangements  
Storage of materials and large/heavy vehicles/machinery on site  
Measures to control noise and dust  
Details of street sweeping/street cleansing/wheelwash facilities  
Details for the recycling/disposing of waste resulting from demolition and construction works  
Hours of working  
Phasing of works including start/finish date
- For the avoidance of doubt all construction vehicles shall load/unload within the confines of the site and not on the highway. The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Council as Local Planning Authority.

Reason: To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers

- A scheme for the provision of electric vehicle charging points, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be provided prior to first occupation of each unit and retained as such thereafter.

Reason: To ensure that appropriate provision for current and future electric and electric/hybrid vehicles and encourage more sustainable means of transport.

5.3 **Ecology Officer:** No objections subject to conditions:

- A scheme of ecological mitigation and enhancement shall be submitted to an approved in writing by the Local Planning Authority. The approved ecological mitigation and enhancement shall be implemented prior to the occupation of the development and retained thereafter.

Reason: In the interests of sustainable development and ecology, in accordance with policies SP1 and GP5'

5.4 **Landscape Officer:** The density of development at this location is having to work hard to accommodate two new buildings on a site with awkward levels, in addition the building scale and design are very different from the suburban residential context and balconies to the rear will overlook neighbouring property.

The planting proposed is generally under 500-600mm, leaving elevations, balconies and additional opaque glazing screens to the green roofs fully visible from the Allt yr yn View lane.

The submitted planting plan leaves all areas shown in red below to 'the applicants discretion' (apart from the 3 trees) so there is no certainty over the mitigation that will be delivered and if any enforcement action is required the planting proposal will be too open to enforce.

Two trees are shown for house 1 but none for house 2. In addition no hedging is proposed although existing rear gardens in the locality are characterised by strong hedge boundaries. The planting of hedges with small trees which can achieve a height above the proposed 1.8m fence line will in time soften views from properties to the rear and side and help integrate the proposal into the otherwise suburban mature garden setting.

5.5 **Tree Officer:** Hedging along this lane is very naturalistic , comprehensive hedgerow reinstatement is required .

5.6 **Planning Contributions Manager:**

### 1. Introduction

Based upon a development of 2 x 5 bed 'market' houses, the following S106 planning obligations are required to mitigate the impact of the development.

### 2. Affordable Housing

Commuted sum payments for affordable housing will normally be sought on developments of 1 to 2 dwellings anywhere within Newport. The site lies within the Housing Target Area of Newport West. Newport West has aspirations for delivery of 30% affordable housing on new development. The equivalent commuted sum generated is £4,128.

This payment will be paid upon signing of the legal agreement.

### 3. Administration Fee

In accordance with the Planning Obligations SPG (2020), a £200 administration fee is charged for monitoring the S106 agreement. This is to be paid upon signing of the legal agreement.

5.7 **Environmental Health Officer:** No objections.

5.8 **SAB:** No response received.

5.9 **Waste Manager:** No response received.

## 6. REPRESENTATIONS

### 6.1 NEIGHBOURS:

All properties within 50m of the application site were consulted (6no. properties). 1no. representation was received, objecting to the application:

- These appear even bigger projects and even more inappropriate as they do not fit in with existing properties in the area and are crammed into a relatively small plot and are within touching distance of each other. They are also very intrusive and impact our privacy onto the rear of my property. It also appears that the highways feedback about the dangers in the last application have not been adhered to.

6.2 COUNCILLORS: Councillor Fouweather objected to the planning application as follows:

I wish to object to this application. The design of the houses is not in keeping with the area and the site is too small to accommodate two houses.

I would also like to bring to your attention the mess that the site has created. Its disgraceful with rubble, house bricks and pieces of wood discarded on the site.

I would like this application to go before the planning committee

## 7. ASSESSMENT

### 7.1 **Site Location and Context**

7.1.1 The properties from 106 Allt Yr Yn Avenue to no. 94 are arranged in a linear manner with large rear gardens which extend to Allt Yr Yn View at the rear. To the east of the application site, the rear gardens of properties which front Allt Yr Yn Avenue are shorter and do not extend as far as Allt Yr Yn View. Instead there is a row of properties which front Allt Yr Yn View. It is this arrangement which the proposal seeks to mirror.

7.1.2 There is a change in levels from Allt Yr Yn View, with the gardens at a much higher level than the road. The development therefore involves some excavation in order to construct the garages at road level and to provide sufficient space to allow vehicular pull-ins from the road.

7.1.3 The application site measures approximately 33m in length and 32m in width. Application 19/0124 granted outline consent for the positioning of 2no. dwellings on this site.

### 7.2 **Principle of Development**

7.2.1 The site is located within the settlement boundary for Newport, and so the development is acceptable in principle. Outline planning permission has previously been granted to develop the site for 2 No. dwellings.

7.2.2 As the site involves the sub-division of the curtilages of existing residential properties, the application has been assessed having regard to Policy H6 'Sub-division of Curtilages, Infill and Backland Development' of the Newport Local Development Plan, which states:

*'The sub-division of residential curtilages, infill within existing residential areas, and the development of backland to existing residential properties will only be permitted where this does not represent an overdevelopment of land.'*

Paragraph 5.17 of the Local Development Plan goes on to state:

*'Proposals for sub-dividing existing dwelling plots, developing on land behind dwellings and infilling gaps between properties will be assessed for their potential impact on the existing properties, their effect on the overall environment, and the conditions that will be created for the new property. The impact of this development, both individually and cumulatively, can*

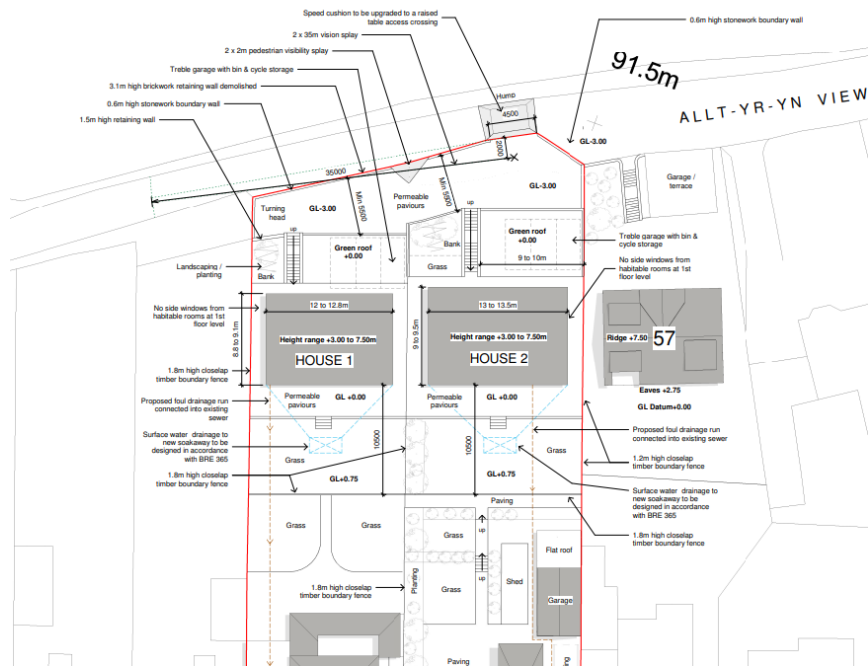
*be significant for the character of an area, therefore strict criteria will be applied to ensure that substandard living environments are not created, and that character is not eroded. Detailed guidance will be available in Supplementary Planning Guidance.'*

The issues of 'overdevelopment', impact on existing properties, impact on the environment and amenity for future occupiers are assessed below.

### 7.3 **Planning History**

7.3.1 Planning application 17/1008 was refused in February 2018 for a dwelling in the rear garden of no. 94 Allt Yr Yn Avenue. In that application, it was proposed to utilise the existing access of no. 94 in order to access the dwelling, i.e. from Allt Yr Yn Avenue. It was proposed to utilise an existing double tandem garage to the side of the host dwelling to serve the proposed dwelling. That application was refused due to the visual impact of providing additional parking to serve no. 94, which involved significant excavation of the attractive front garden. In addition, the proposed parking arrangement was too close to the host dwelling, resulting in unacceptable noise and disturbance to the occupiers of the host dwelling.

7.3.2 Outline planning permission 19/0124 was granted on 30 June 2021 for the sub-division of the curtilages of 94 and 96 Allt yr yn Avenue and the erection of 2 No. detached dwellings, subject to conditions and subject to a Section 106 agreement requiring a contribution towards the provision of off-site affordable housing. This application was in outline and so the plans submitted with that application were purely indicative, but the application included the plan below which provided an indication on how the applicant intended to develop the site.



7.3.3 However, a subsequent reserved matters application (22/0588) was refused for the following reason:

*'The proposed development by reason of its overly contemporary design (with flats roofs and extensive glazing), bulky garages and extensive use of stonework and hardstanding represents poor design in the context of the character of the surrounding area. It fails to address the local distinctiveness of the surrounding area, which is characterised by traditional and verdant properties. The proposed dwellings would be an incongruous addition to the area, which would be visually harmful to the surrounding area. This is contrary to the placemaking agenda of Planning Policy Wales (Edition 11), policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the New Dwellings Supplementary Planning Guidance (adopted August 2015).'*

The image below shows the reserved matters scheme that was previously refused.



#### 7.4 **Description of Current Proposal**

7.4.1 The proposed dwellings would be sited within the rear gardens of 94 and 96 Allt Yr Yn Avenue. The application includes a layout plan (as below) which shows the proposed dwellings (labelled 'House 1' and 'House 2') in a similar position to the property at no. 57 Allt Yr Yn Avenue. The dwellings would be set back 12.5m from the Highway, allowing space for parking and turning.

7.4.2 The proposed dwellings would be set back from Allt Yr Yn View, with a triple garage provided to the front of the property. The below plans show a proposed site plan and the principal and rear elevations of the proposed dwellings in relation to 57 Allt Yr Yn View.



7.4.3 From ground level, each dwelling would measure a height of 8m. The total height of the dwellings from ground level would be 11.6m, including the garage. The dwellings would

have a width of 13.5m and a maximum depth of 12.5m. It is proposed to have a timber fence separating the proposed dwellings from the existing properties located on 94 and 96 Allt Yr Yn Avenue.

## 7.5 ***Character and Appearance***

- 7.5.1 Planning Policy Wales notes that an objective of good design is sustaining or enhancing local character. PPW goes on to note that the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.
- 7.5.2 There is no architectural consistency along Allt Yr Yn View, however the road has a verdant character with substantial properties that are set back from the road. They generally have stone front boundary walls, with well-tended landscaping, trees and hedging. The proposed dwellings would be identical in their design and would be positioned to follow the existing pattern of dwellings which front onto Allt Yr Yn View. They would be of contemporary design with extensive glazing and pitched roofs. Whilst their contemporary design would be unlike the more traditional dwellings along Allt Yr Yn View, the pitched roof element would integrate the proposed dwellings within street scene. The properties would be set at the end of the street and would not appear as a dominant feature within the street scene.
- 7.5.3 The proposed garages would measure 10m in width, with a combined width of 20m and heights of 3.8m. They would both have two garage doors with a dark grey finish. There would be retaining walls, steps and a long front boundary wall. As stated above there would be some limited landscaping to break up the expanse of stonework. The landscaping would ensure that the proposals integrate well within the semi-rural lane.
- 7.5.4 On balance it is considered that the design of the proposed dwellings would not be visually harmful to the character and form of the surrounding area. The design accords with policy GP6.

## 7.6 ***Residential Amenity for neighbouring residents***

- 7.6.1 The New Dwellings SPG States that proposed development should achieve the following standards in order to achieve acceptable levels of residential amenity for both future and neighbouring occupiers.
- Dwellings should have 1 square metre for every square meter of the unit's footprint of private amenity space;
  - Rear gardens should extend at least 10m from the rear elevation of a house
  - Protected windows which face one another should be at least 21m apart, this includes existing neighbouring properties;
  - The distance between protected windows and a blank two storey elevation should be no less than 14m;
- 7.6.2 Proposed 'House 1', to be situated opposite 96 Allt Yr Yn Avenue, would have a maximum garden depth of 9.3 metres. The existing property at 96 Allt Yr Yn Avenue would retain a garden depth of 12.4 metres. While the garden for 'House 1' would fall short of the minimum standard, this shortfall is not considered to result in any significant harm. A separation distance of approximately 21 metres would be maintained between the proposed dwelling and the neighbouring property, which is sufficient to protect privacy. Therefore, despite the reduced garden depth, no significant adverse impact has been identified. Proposed 'House 2' would have a garden of 11.5m, and no.94 would have a remaining garden of at least 12m. As such, this would exceed the 21m separation distance between habitable rooms. It is not considered that the proposed dwellings would not cause undue privacy loss to 94 or 96 Allt Yr Yn Avenue.
- 7.6.3 Assessments have been undertaken with regards to loss of light and the potential overbearing impact to 57 Allt Yr Yn View. The 45 Degree tests as set out in the New Dwellings SPG have been undertaken in relation to this application. Proposed House '2' would not impact on the principal elevation windows or the rear windows of 57 Allt Yr Yn View, as the proposed dwelling aligns similarly to no.57. In terms of the windows on the

side elevation of the neighbouring property, the 45 degree tests fail within the plan view, however pass in the elevation view. As such it is not considered that the proposed development would have a significant impact on daylight entering the property at 57 Allt Yr Yn Avenue.

7.6.4 Balconies are proposed to the front of the property. The balconies would be enclosed by full height walls on the sides, preventing any undue overlooking into no.57.

### 7.7 **Residential Amenity for Future Occupiers**

7.7.1 New dwellings should provide adequate private outdoor amenity space for future occupiers. The majority of this space should be located to the rear of the dwelling. The SPG states that detached dwelling of 2 beds or more should provide 1 square metre for every square metre of the unit's footprint. The rear outdoor amenity space exceeds the footprint of the dwellings. As such, it is considered that the proposed dwellings achieve adequate rear amenity space.

7.7.2 It is proposed to have balconies of the rear and front of the dwellings. The balconies to the rear would be Juliette style balconies, with a glass balustrade. Large bedroom windows would sit behind these balconies, but they would not be large enough to allow sitting out. The balconies to the front would be large enough to sit out. It is considered that the future occupiers of the dwellings will benefit from acceptable levels of residential amenity.

7.7.3 On balance, it is considered that the proposals would not constitute an overdevelopment of the site, would have an acceptable impact on neighbouring occupiers and the local environment and provide an acceptable level of amenity for future occupiers, in accord with Policies GP2 and H6 of the Newport Local Development Plan.

### 7.8 **Highways and Parking**

7.8.1 The proposed dwellings would be accessed from Allt-Yr-Yn-View. The road is narrow at this point and is only wide enough for one vehicle, but the road is one way, travelling in a west to east direction. The access would be onto proposed hardstanding areas, finished with permeable pavers. The hard standings would extend 5.5m from the edge of the road to triple garages which would also be constructed at road level. This arrangement is not dissimilar to the neighbouring property (no.57), although the hardstanding and garages would extend further back from the road.

7.8.2 It is proposed to create one access point to the hardstanding/garage area and this would be located to the rear of no. 94. The boundary to the road would be finished with a 600mm high wall. As Allt Yr Yn View is a one-way road in a west to east direction adequate visibility in a westerly direction is required. Allt Yr Yn View has a 20mph speed limit and as such the required visibility splay is 2.4m x 25m, i.e. a vehicle set back 2.4 from the road should be able to view 25m along the road. The Highways Officer has also required a pedestrian visibility splay of 2x2m in an easterly direction. The splays must be kept free of obstruction exceeding a height of 0.6m. The landscaping plan indicates that a hedge will be planted, that will not exceed 0.6m in height. This requirement can be secured via condition. The Highways Officer has offered no objection to the proposals. The proposed development is considered to accord with policy GP4.

7.8.3 The proposed dwellings would have four bedrooms and in accordance with the Parking Standards SPG three parking spaces are required. These would be provided within the triple garages and the Councils Highways Officer is satisfied with this provision. A condition will be added to require the parking provision to be provided and retained to ensure that the garage is not converted into living space.

7.8.4 The proposal includes acceptable bin storage and cycle storage that are located adjacent to the garage. The proposal is accords with policies W3 and SP1.

### 7.9 **Biodiversity**

7.9.1 Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems

and green infrastructure assets must be demonstrated. Policy GP5 of the NLDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. A condition will be imposed to ensure that the proposal includes a scheme for biodiversity enhancements.

**7.10 Landscaping and Trees**

- 7.10.1 In terms of landscaping it is proposed to provide green roofs above the garages, shrub/rain garden planting within beds and two trees at the front of the dwellings and alongside the front western side boundary. A flowering lawn mix is proposed within the rear gardens, along with one tree in the rearmost corner of 'house 1'.
- 7.10.2 The Council's Landscape Officer has submitted a number of comments. Concerns are raised regarding the scale and design of the properties being different from the suburban residential context, with the balconies to the rear overlooking neighbouring properties. Whilst it is noted that the proposed dwellings are contemporary, the dwellings would be set back from the road and would not be considered unacceptable within the street scene. The balconies are proposed to the front and would not cause any overlooking to neighbouring properties.
- 7.10.3 Concerns have been raised regarding the height of the planting, which is proposed to be no higher than 0.6m, leaving the proposed dwellings visible from the highway. However, the hedges are to be this height to ensure that they are compliant with Highway Safety and that the visibility splays can be implemented.
- 7.10.4 The Landscape Officer mentions that only one tree is proposed in the rear garden of 'house 1' and suggest that hedge boundaries with small trees in the rear gardens would soften views from neighbouring properties. While these comments are understood it is unusual to be prescriptive of planting within rear gardens as ultimately future occupiers will tend to their private gardens to their own choosing. The provision of flowering lawns and timber fencing is considered to be appropriate in this setting.
- 7.10.5 Concerns are raised regarding the planting to the front will be to the owners discretion, including the green roofs above the garages. Whilst the concerns are noted, a planting and landscaping scheme will be conditioned to ensure that the planting to the front of the property is acceptable.

**7.11 Waste and Drainage**

- 7.11.1 The proposed development would have to adhere to the standard kerbside waste and recycling provision. The below table indicates the requirement for 1no. dwelling:

Houses		
Residual	Recycling	Garden
1 x 120l bin	Kerbside boxes <sup>(2)</sup>	1 x 240l wheelie bin

The proposal includes bin storage within the application site, which is sufficient to allow space for the required waste facilities, in accordance with policy W3.

- 7.11.2 The drainage for both dwellings would run through 94 Allt -yr yn Avenue. The foul drainage will run into the public sewer. Welsh Water confirm that this is acceptable. A condition will be added to secure a submission for the drainage arrangement relating to the water surface drainage.

**7.12 Section 106 Planning Obligation matters**

In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011-2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or

making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location. In this case, section 106 planning obligations are required to mitigate the impact of the development in accordance with the table below.

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
Regeneration, Investment and Housing	Commutated contribution of £4128 towards the provision of offsite affordable housing provision based on a 30% target area	N/A	Full Heads of Terms agreed	No

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

## 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 The proposed development is considered to be acceptable and in accordance with policies SP1, SP13, GP2, GP4, GP6, H4, H6, T4 and W3 of the Newport Local Development Plan 2011-2026. It is considered that the proposed development would not result in a harmful impact on residential amenity nor the character of the surrounding area. It is also considered that the proposed development would not result in a harmful impact on highway safety and it would deliver sustainable development through financial contributions towards affordable housing. Planning permission is granted subject to conditions and the signing of a legal agreement.

## 10. **RECOMMENDATION**

**GRANTED WITH CONDITIONS AND SUBJECT TO A SECTION 106 LEGAL AGREEMENT WITH DELEGATED AUTHORITY TO HEAD OF REGENERATION AND ECONOMIC DEVELOPMENT TO USE DISCRETION TO REFUSE IF NOT SIGNED WITHIN 3 MONTHS OF A RESOLUTION**

01 The development shall be implemented in accordance with the following plans and documents: P0377-SK06 Proposed Drainage Layout, P0377-SK07 Proposed External Works, P0377-SK08 Proposed Exceedance Plan, P0377-SK04 Existing Levels and Sections, P0377-SK03 Existing Drainage Layout, P592d\_L\_001\_Rev B\_Location Plan, P592d\_L\_202\_Rev C\_First Floor Site Plan as Proposed, P592d\_L\_220\_Rev C\_Perspective Views 1 of 2 as Proposed., P592d\_L\_221\_Rev D\_Perspective Views 2 of 2 as Proposed, P592d\_L\_210\_Rev C\_Site Elevations 1 of 2 as Proposed., P592d\_L\_211\_Rev D\_Site Elevations 2 of 2 as Proposed, P592d\_L\_204\_Rev D\_Roof Plan as Proposed, P592d\_L\_203\_Rev B\_Second Floor Site Plan as Proposed, P592d\_L\_201\_Rev C\_Ground Floor Site Plan as Proposed, P592d\_L\_003\_Rev E\_Site Plan as Proposed, P592d\_L\_002\_Rev B\_Site Plan as Existing, P592d\_L\_205\_First Floor Rear Outlook as Proposed, P592d\_L\_300\_House Type A - Perspective outlook from rear bedrooms, P0377-0007 Proposed Drainage Layout,

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

### ***Pre- commencement conditions***

02 Prior to the commencement of development, to include demolition/excavation, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan (CEMP) shall identify the steps and procedures that will be implemented during development resulting from the site preparation, groundwork and construction phases of the development regarding:

- noise mitigation measures - to minimise the creation and impact of noise;
- dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition, February 2003;
- waste disposal;
- details of enclosure of working areas;
- details of contractor parking areas and construction site accesses and;
- wheel wash facility;

Development works shall be implemented in accordance with the approved CEMP.

Reason: To protect the amenities of nearby residents and in the interests of highway safety, in accordance with policies GP2, GP4 and GP7.

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

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

04 Prior to the commencement of development details of proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be implemented prior to the occupation of the associated dwelling and maintained for the duration of the development.

Reason: In the interests of residential and visual amenity, in accordance with policies GP2 and GP6.

05 No development shall commence until full details of the foul and surface drainage systems has been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented fully in accordance with the approved scheme prior to the occupation of any dwelling.

Reason: To ensure adequate drainage is provided.

### ***Pre- occupation Conditions***

06 Prior to the first beneficial use of the dwellings hereby approved, the areas indicated on the submitted plans to be set aside for parking and servicing shall have been provided in accordance with the details hereby approved. The parking and servicing areas shall be retained for the duration of the development and the garages hereby permitted shall only be used for the parking of private motor vehicles and for no other purpose, including any other purpose incidental to the enjoyment of the dwellinghouse. The visibility splays shown on the approved plans shall be provided and retained for the duration of the development.

Reason: To ensure that adequate space for turning of vehicles and on-site parking in the interest of highway safety and residential amenity.

07 Prior to the first beneficial use of the dwellings hereby approved, a scheme for the provision of electric vehicle charging points, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be provided prior to first occupation of each unit and retained for the duration of the development.

Reason: To ensure that appropriate provision for current and future electric and electric/hybrid vehicles and encourage more sustainable means of transport.

### ***General conditions***

08 No gates or other means of obstruction shall be placed across the vehicular access formed as part of this development.

Reason: To permit vehicles to pull clear of the carriageway when entering the site in the interests of road safety.

09 No window or door openings (other than those shown on the approved plan) shall be formed in both side elevations of the dwellings hereby approved.

Reason: To protect the privacy and perceived overlooking of adjoining residents.

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

Reason: In the interests of visual amenities.

11 Prior to first beneficial occupation of the dwellings hereby approved, a scheme of ecological mitigation and enhancement shall be submitted to and approved in writing by the Local Planning Authority. The approved ecological mitigation and enhancement shall be implemented prior to the occupation of the development and retained thereafter.

Reason: In the interests of sustainable development and ecology, in accordance with policies SP1 and GP5.

12 Notwithstanding the submitted plans, prior to the commencement of development, written approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating the number, species, heights on planting and positions of all trees and shrubs). The approved scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner.

#### *NOTE TO APPLICANT*

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP13, GP2, GP4, GP6, H4, H6 and T4 were relevant to the determination of this application.

02 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.

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

04 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

05 The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the

Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

06 In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.