

Delegated Decision Report

Application No:	25/0092	Statutory Period Expires:	3rd April 2025
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Site:	Tan-Y-Derw Market Road Penhow Newport NP26 3AB		
Proposal:	ERECTION OF A NEW DETACHED DWELLING		
Applicant:	P Waters		
Type:	Full	Ward:	Bishton And Langstone
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The site is located within the Village Boundary of Parc Seymour as per the Newport Local Development Plan 2011-2026 (adopted January 2015). It is sited to the west of Market Road and is within the existing residential curtilage of Tan Y Derw, a previously small bungalow that has been extended over time and occupies the north of the curtilage.

2.2 The eastern (front) boundary of the site is bound with Market Road and is defined by a stone wall with conifer hedge above. There are two large Oak trees on this boundary (one of which is protected by TPO 30/2001) and a third on the shared boundary with 'Savanna' a one and a half storey property to the north (also protected by TPO 20/2001). Innisfree, a two storey dwelling, is located directly south of the site and is separated by a tall hedge, with a vehicular access adjacent to the application site. To the west of the site is the rear of 59 and 61 Greenmeadow Drive, single storey properties located at a slightly lower ground level – the boundary is defined by a tall hedgerow with retaining wall.

2.3 The streetscape is characterised by mature trees, hedges, and grass verges, all of which contribute to the village's green and attractive character. Whilst there is variety in the design and materials of the existing dwellings, a consistent feature of the properties in this part of the village is their modest scale. Many are single-storey, and where additional height is present, it is typically mitigated through thoughtful design measures such as lower eaves and the use of dormer windows to reduce the overall massing and visual impact.

3. DESCRIPTION OF DEVELOPMENT

3.1 Planning permission is sought for the subdivision of the existing plot and construction of a two storey dwelling at Tan Y Derw, Market Road, Penhow in the Bishton and Langstone ward.

3.2 The new dwelling would be located directly south of the host property and would face Market Road, set just behind the existing building line. It would comprise a layout of hallway, w/c kitchen/diner, living room and garage at ground floor, with a landing, bathroom and 3no. bedrooms at first floor. Shared access with the host dwelling would be utilised from the existing access off the highway, and amenity space is proposed at the rear of the property.

3.3 The property would be L shaped, of two storey scale with a hipped roof design and external walls that are stated as being finished in a self-coloured render. The front door would be located within the principal elevation of the building and contained under a hipped canopy. The application forms advice that fenestration is to be white uPVC. A bird and bat box have also been shown on the elevation drawings. Little other detail has been provided in terms of associated works and landscaping etc.

4. RELEVANT SITE HISTORY

None.

5. PLANNING POLICY

5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

6.2.12 A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.15) has been applied.

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

SP1 – Sustainability

SP9 – Conservation of Natural, Historic and Built Environment

SP10 – House Building Requirement

SP13 – Planning Obligations

GP1 – Climate Change

GP2 – General Amenity

GP4 – Highways and Accessibility

GP5 – Natural Environment

GP6 – Quality of Design

GP7 – Environmental Protection and Public Health

H2 – Housing Standards

H4 - Affordable Housing

H6 – Subdivision of Curtilages, Infill and Backland Development

W3 – Provision for Waste Management Facilities within Development.

5.4 SUPPLEMENTARY PLANNING GUIDANCE

New Dwellings SPG

Parking Standards SPG

Planning Obligations SPG

Waste Storage and Collection SPG

Sustainable Travel SPG

Trees, Woodland, Hedgerows and Development Sites SPG.

6. CONSULTATION RESPONSES

6.1 Welsh Water Dwr Cymru: No objection.

6.2 Highways: There are no proposals to improve the existing access, which does not appear to meet the requirements for access to multiple properties.

A minimum width of 4.5m is needed to enable two-way movements and full visibility splays must be demonstrated as there will be an intensification of use. Visibility splays of 2.4 by 25m and 2m by 2m above 600mm height are required by current standards.

It appears that some vegetation / walling may need to be relocated to achieve this.

Cycle storage and electric car charging should be provided, but can be secured by way of condition.

6.3 Landscape: Advice was provided at pre-app stage but has not been followed.

The proposals are for a new dwelling and use of the existing access from Market Road. The site is infill within a mature garden, central to a residential area.

The proposal should meet the requirements of GP5 General Development Principles – Natural Environment :

v there would be no unacceptable impact on landscape quality

vi the proposal includes an appropriate landscape scheme which enhances the site and the wider context including green infrastructure and biodiversity networks.

vii the proposal includes appropriate tree planting or retention where appropriate and does not result in the unacceptable loss of or harm to trees, woodland or hedgerows that have wildlife or amenity value

Mature and significant oaks line the highway frontage and as advised at pre-app a tree survey will be required. Roots may extend under the existing access and utilise the lawn which is proposed for development. Also to note Highways comments on the need to improve the visibility splay.

The rear garden appears to be screened by high evergreen hedges. There may be visual impact from overlooking neighbours although views in from the highway appear screened provided existing hedges and heights are retained. The dwelling location appears to show some garden trees.

The following is required:

1. Professional tree survey to BS5837 based on a topographic survey, including clear constraints plan, impact assessment, protection plan, and potentially requiring a method statement based on the submitted proposals and to include trees outside the site that may be affected by the proposals. The impacts should review change of levels, foundation runs, hard surfaces, drainage and other service runs, and Highway related changes.

2. Photos out from the site in all compass directions and an assessment of the impact on overlooking views.

3. Hard landscape (and boundary plan to show separation from existing dwelling) with treatment appropriate to the landscape character.

4. Soft landscape plan to show existing vegetation, vegetation to be removed, vegetation to be retained and new planting to meet Green Infrastructure Statement and GP5 requirements for enhancement, with a planting schedule to show species, size, density, seed mixes etc. with planting appropriate to the landscape character.

5. The amenity space for the new property should be stated.

6.4 Ecology: No response.

- 6.5 Trees: Objection – No tree information submitted as requested at pre app.
- 6.6 SAB: SAB required due to scale of works.
- 6.7 Waste: No response.
- 6.8 Environmental Health: No response.
- 6.9 Planning Contributions:

1. Introduction

Based upon a development of 1 x 3 bed house, the following S106 planning obligations are required to mitigate the impact of the development.

2. Affordable Housing

Committed sum payments for affordable housing will normally be sought on developments of 1 to 2 dwellings anywhere in Newport. The site lies within the Housing Target Area of Rural Newport. Rural Newport requires the delivery of 40% affordable housing on new development. The equivalent commuted sum generated is £2,559

This sum is to be index linked to the RPI and paid prior to occupation

3. Fees

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

Legal Fees

Planning Obligations can be contained in Unilateral Undertakings or s.106 Agreements. Unilateral Undertakings are usually drafted by the developer's solicitors, whereas s.106 Agreements are usually drafted by the Council's in-house solicitors (but there is no general objection to developers arranging for their own solicitors to draft the s.106 Agreement with prior agreement). Either way the developers will be responsible for the Council's legal costs incurred in relation to the process of drafting, approving and completing the s.106 Agreement and Unilateral Undertakings, including costs of title investigation which is necessary to ensure the correct parties enter into the Deed. There is a minimum contribution to legal costs of £700, although more time-consuming and complex documents would require an increased contribution to legal costs.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 12th February 2025.

- 7.1 NEIGHBOURS: 8no. properties consulted and 1no. response from Innisfree received, with comments summarised below;
- No objection in principle;
 - The trees and boundary hedges must be preserved and free from damage;
 - The driveway onto Market Road lacks visibility from the left as the pavement is only 60cm wide and borders a stone wall of 1 metre. Exiting the driveway is difficult now but becomes highly challenging when visitors to the village amenities park on the opposite side;
 - The slope on Market Road encourages vehicles to speed even though they are on wrong side of road – this is dangerous;
 - A separate driveway further up the road would be desirable;

- Arrangements must be made for unloading and storage of building materials;
- Our driveway must be protected and free from damage;
- No windows facing south of the development.

7.2 PENHOW COMMUNITY COUNCIL: Members seriously considered this planning application and have several concerns in respect of the development.

Firstly, as this is essentially an 'in-fill' within the plot of an existing property members have concerns as to whether there is sufficient space within the plot for this new development. Once it is built, will it have a detrimental effect on the other property within the site, and with neighbouring properties? There is no indication within the planning application as to the materials to be used in the build. These factors need to be known to ensure that the new build is in keeping with other nearby properties, and that it maintains the character of the area.

If planning permission is granted, then this will mean an increase in traffic on Market Road, particularly during the building/construction stage, when there will be an increase of construction delivery vehicles/lorries to site with building materials as well as vehicles belonging to the builders/ construction workers. There is already a major issue on Market Road in respect of on-street parking in this area causing inconvenience to residents.

The application for planning does not appear to include a traffic and site access management plan. A well thought out traffic and access plan would ensure that deliveries are made at suitable times of day, causing the least effect on other residents within the area, and it would set out a plan for the parking of workers vehicles and visitors to site. There does not appear to be any consideration as to how delivery of materials into site will impact on neighbouring properties, with the potential to damage of adjacent walls etc. The plan needs to include details of how and where materials are to be unloaded, stored, including the placement of welfare facilities.

The application indicates that the existing entrance will be used by both properties – a dedicated entrance for the new build would require the removal of trees/vegetation to increase the visibility splay. Visibility splays looking north are already compromised by the existence of retaining walls. It is essential that Highways department are consulted on this proposal so that existing traffic, parking and access/egress splays can be confirmed as adequate and not likely to cause a health and safety issue on Market Road.

The plans propose the new building to be 3m from the centre line of an existing established cypress hedge which will have established root systems. There are also several mature trees within relatively close proximity to the new build. It claims there will be no development within the Root Protection Area. Industry standard BS5837 root protection area (RPA) calculates the RPA area as a circle with a radius of 12x the diameter of a tree stem/trunk. This needs to be checked by planning as part of a site visit, to ensure it has no impact on the new build - or perhaps there is a need for an assessment to be undertaken by an arboriculturist who can plot the current siting, size etc of all trees, including their RPA.

Also, as there are established trees and vegetation within the area, there does not appear to be an ecological report undertaken. Surely there is a need for one, to ascertain the existence of bats, birds, mammals within the site and adjacent properties.

The planning application does not appear to make any reference to SUDs, with no plans for the dispersal of foul and surface water. The appropriate department within Newport City Council should be consulted in respect of SUDs, and Welsh Water should be consulted to ensure they are satisfied with the connectivity to any drainage systems etc.

As there appears to be a lack of statutory reports to support this application (ecology, traffic and site management plan, arboriculture) and no details regarding materials to be use, and no proposal regards drainage/suds etc the Council feel that they **cannot support this application.**

8. **ASSESSMENT**

8.1 Principle of Development:

- 8.1.2 The site is located within the Parc Seymour Village Boundary, as per the Newport Local Development Plan 2011-2026 (adopted January 2015) and as the site is existing residential curtilage, it would meet the definition of previously developed land.
- 8.1.3 Policy SP1 (Sustainability) is the overarching policy of the NLDP 2011-2026 (adopted January 2015) and states that *“Proposals will be required to make a positive contribution to sustainable development by concentrating development in sustainable locations on brownfield land within the settlement boundary.”*
- 8.1.4 The site is within direct proximity of a small local shop, coffee shop and a short walk to a public house/restaurant on A48 Chepstow Road. It is also served by public transport and the nearest bus stop is at Greenmeadow Drive, albeit the frequency is not known and understood to be restricted.
- 8.1.5 On balance, it is considered that the proposal is compliant with Policy SP1 of the NLDP 2011-2026 (adopted January 2015) insofar as it is located within the settlement boundary on previously developed land. Notwithstanding this, all other material planning considerations will have to be suitably addressed in order for the proposal to be acceptable, and will be assessed within this report.

8.2 Visual Amenity/ Character and Appearance;

- 8.2.1 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 and part of good placemaking. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.
- 8.2.2 Policy GP6 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 H6 is also pertinent to the consideration of this application. H6 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.*
- 8.2.3 The properties along Market Road are characterised by high quality design, incorporating architectural detailing and robust materials that collectively enhance the character, appearance, and visual amenity of the streetscape within Parc Seymour. The plots are generally spacious in size, with dwellings appropriately scaled in relation to their curtilages.
- 8.2.4 In contrast, the proposed dwelling does not reflect this established character and lacks the quality detailing and features necessary for successful integration into the existing streetscape. Positioned in close proximity to the single-storey host dwelling, the scale of the proposal is expected to appear dominant within the plot. Furthermore, views through the existing access (likely to require widening to meet highway safety requirements - see Section 8.4) would further increase visibility of the proposed development, thereby detracting from the character of Market Road resulting in an adverse visual impact and not aligning with good design and placemaking objectives.
- 8.2.5 Overall, it is not considered that the proposed development is of a suitable scale, appearance or design that would allow it to integrate successfully with the host dwelling and site, or the

surrounding street scape. This would result in an adverse impact on the visual amenity and character and appearance of the local area.

8.2.6 The proposal is contrary to Policy GP2, GP6 and H6 of the NLDP 2011-2026 (adopted January 2015).

8.3 Residential Amenity:

Neighbouring Residential Amenity

8.3.1 The northern side elevation of the proposed dwelling would be a two storey and predominantly blank elevation, located approximately 2.50 metres from the southern elevation of Tan y Derw, which contains 2no. window openings serving a habitable room(s) and thus being protected. When understanding the impact on light received by a protected window in a side elevation, the New Dwellings SPG advises that a notional 45 degree line is drawn from the centre point of the window and the proposed development should not project beyond the line. In this case, the 45 degree line from each window intersects the proposed two storey side elevation. The failure of this test, and the location of the proposed dwelling to the south of the windows further compounds the adverse impact on light received. It was evident from the site visit that this south facing elevation currently receives a plenty of light due to the open nature of the existing garden in this location, that would be negatively impeded by the proposed building. Whilst there is no specific test, the limited separation and the largely blank two storey nature of the proposed side elevation is also considered to result in there being an overbearing impact on the host dwelling, also resulting in a lack of perceived space.

8.3.2 Innisfree is located to the south of the site and is set behind a large hedge, spanning several metres in height. The roof design is hipped away from the boundary and when stood in the rear garden of Innisfree it is unlikely that the proposed dwelling would be visible, or only partially visible at least. On the basis that the Council are satisfied the hedgerow would remain unimpacted and retained in its current condition there is not considered to be any significant adverse impact on the residential amenity of this property. The occupier of Innisfree has written in with comments on the proposal and whilst they have not objected to the principle of development, in relation to their amenity they have requested that the hedge is retained and that there are no window openings in the southern elevation of the dwelling, in order to preserve their privacy. No openings are shown in the south facing elevation and it could be controlled by planning condition that this remains the case, in the event permission were to be forthcoming.

8.3.3 To the rear of the site the proposal backs onto 59 and 61 Greenmeadow Drive and there is approximately 11.50 metres from the proposed rear elevation of the dwelling and the shared rear boundary. There is then approximately 10.50 metres from the shared rear boundary to the rear elevation of both properties, which are single storey dwellings and located at a slightly lower level. The entire shared boundary comprises of mature hedgerow and if retained, this would largely screen views from the first floor rear elevation, that contains 2no. bedroom windows and 1no. obscure glazed ensuite window. The New Dwellings SPG advises that a minimum of 10.00 metres should be provided between the rear elevation of a new dwelling and the boundary where there is a property to the rear, and in this instance this is met. The SPG advises that when judging whether the distance between a high-level protected window and a neighbouring garden is suitable, the council will consider, amongst other things, the shape, size and layout of the garden and the effects of ground levels, outbuildings and boundary treatments (e.g. hedges and fences). Whilst the properties at Greenmeadow Drive are slightly lower in ground level, the 11.50 metres distance is in excess of the 10 metre desired separation and the hedge is tall so would screen views significantly. As such, any impact is not considered to be significant enough to warrant refusal of planning permission.

8.3.4 Overall, it is considered that the proposal would result in a significant adverse impact on the residential amenity of the dwelling at Tan y Derw, contrary to Policy GP2 of the NLDP 2011-2026 (adopted January 2015) and the New Dwellings SPG.

Residential Amenity of Future Occupiers

- 8.3.5 In terms of the future occupiers, the layout and size of the property is sufficient and offers a satisfactory level of natural light, ventilation and outlook etc. The rear garden, whilst not detailed and levels not shown, would be commensurate for a property of this size and would meet or exceed the 1:1 ratio for property footprint to private amenity space, as per the New Dwellings SPG. The rear garden space would be enclosed and would offer a sufficient level of privacy for the future occupiers.
- 8.3.6 Residents would have access to local amenities such as the shop, coffee shop and public house/restaurant within the vicinity of the site and the site is also served by local bus services, albeit these are anticipated to be quite limited in frequency. Access to public right of ways, informal open space and enjoyment of the wider countryside amenity for recreation is also available.
- 8.3.7 The proposed amenity for local residents is considered to be acceptable and compliant with Policy GP2(v) of the NLDP 2011-2026 (adopted January 2015) and the New Dwellings SPG.
- 8.4 **Highways:**
- 8.4.1 The proposal is seeking to utilise the existing arrangement so that both the host property at Tan y Derw and the proposed infill dwelling would share the existing access. No access improvements have been proposed.
- 8.4.2 The proposed site plan is limited, but having measured the access it would appear to be less than 4.0 metres wide. This has not taken into account the existing mature hedge that overhangs the drive and wall either side, so in reality it is likely to be narrower. The Council's Highways Officer has raised concerns that an access less than 4.50 metres in width would not enable two way movements, which are required as the proposal would intensify the use of the access from one property to two. This intensification would also require full visibility splays of 2.40 metres x 25.00 metres for vehicles and 2.00 metres x 2.00 metres for pedestrians to be required in order to meet standards. Concerns regarding the access and visibility have also been shared by the neighbouring resident at Innisfree, who is directly adjacent to the existing access point as well as the community council.
- 8.4.3 As such, it is considered that the access arrangements fall short of required standards, and this results in an adverse impact on highway safety, contrary to Policy GP4 of the NLDP 2011-2026 (adopted January 2015). In the event that widening the access were to take place, based on the information submitted there are concerns regarding the impact on landscape features, green infrastructure requirements and the character and appearance of the streetscape through opening up the site.
- 8.4.4 In terms of parking, 6no. spaces are required to be provided on site – 3no. spaces per property. Full details for both properties have not been provided, but having undertaken a site visit and reviewed the site plan it is accepted that this is likely to be achievable as well as provision of the ability to turn so that vehicles can manoeuvre in and out of the site in a forward gear. This would not be grounds to object to the proposal, however, does not outweigh the harm to highway safety identified through the intensification of use of the existing access.
- 8.5 **Green Infrastructure:**
- 8.5.1 Chapter 6 'Distinctive and Natural Placemaking and Well-Being' of Planning Policy Wales (PPW) Edition 12 (updated February 2024) states that planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. A net benefit for biodiversity is the concept that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long term benefit. PPW 12 also advises that a Green Infrastructure Statement (GIS) should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. PPW 12 states that having worked iteratively, in line with Figure 12 through the stages of The Stepwise Approach, and providing a GIS that the step

wise approach has been followed, a scheme of enhancements must be provided to ensure a net benefit for biodiversity.

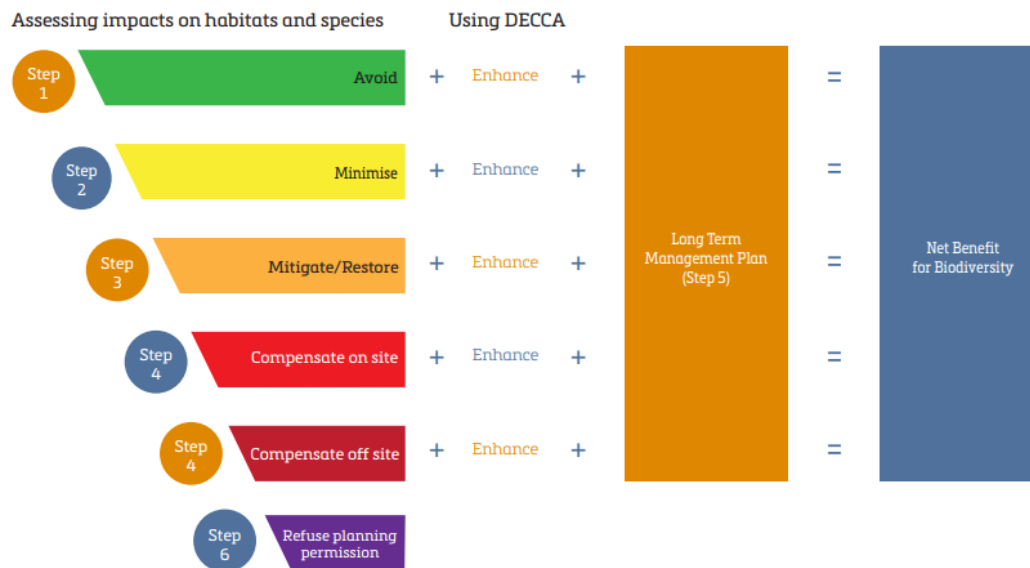


Figure 1 – PPW 12 Stepwise Approach.

- 8.5.2 A brief document titled Green Infrastructure Statement has been submitted with the application and summarises that the proposal will not impact on existing trees and is positioned sufficient distance from any existing trees to avoid having an impact on their root protection areas. Ecological enhancements are confirmed as the provision of bird and bat boxes on the new dwelling.
- 8.5.3 The Council’s Landscape and Tree Officers have both responded to the proposal and have raised concerns with the proposal, and the fact that no professional tree information has been submitted with the proposal in accordance with BS5837 in order to demonstrate that it can be achieved without adversely impacting the health and longevity of the mature trees (2no. of which are TPO protected) and hedges on site. This has also been raised by the community council. As mentioned in Section 8.3 of this report, the successful retention of landscape features on the site is critical in preserving neighbouring residential amenity. The proposed site plan lacks detail in relation to levels, hard landscaping, drainage (SAB have confirmed an application is required) and any other service runs and all of this has the potential to impact on the roots of the site’s landscape features. It was apparent from the site visit that levels change across the site and it is anticipated that some level of retaining works are likely to be required. Without suitable professional tree information being submitted, the Council does not have any assurances that the scheme put forward will be successfully achieved without adversely impacting Green Infrastructure.
- 8.5.4 The southern section of the garden where the proposed development is to be built is currently very pleasant and contains gardens trees, shrubs, plants that will have to be removed to make way for the proposed dwelling and associated infrastructure. The limited GIS submitted has not taken this into account and no details of the baseline for the proposal has been accounted for. The ecological enhancement proposed for the site is a bird box and a bat box on the dwelling. From the site visit alone, it is clear that this is not proportionate and would not be an enhancement of the site. The proposal does not comply with the Stepwise Approach, as per Chapter 6 of PPW12.
- 8.5.5 The proposal has the potential to adversely impact existing mature and protected trees and hedgerow at the site and will result in a loss of existing Green Infrastructure, with no GIS being submitted that uses the Stepwise Approach to demonstrate an acceptable level of mitigation, compensation and enhancement of biodiversity. This will adversely impact on biodiversity and ecosystem resilience. PPW12 states that where biodiversity enhancement proportionate to the scale and nature of the development is not proposed as part of an

application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise, it will be necessary to refuse permission.

8.5.6 The proposal fails to comply with Policy SP1, SP9 and GP5 and Chapter 6 of PPW12.

8.6 Waste:

8.6.1 In terms of waste refuse management at the site, there is not anticipated to be any issues. Suitable space for the storage of receptacles on site is provided and they could then be presented on collection day as per the other properties within the locality.

8.6.2 The proposal complies with Policy W3 of the NLDP 2011-2026 (adopted January 2015).

8.7 Other Matters:

8.7.1 The response from Innisfree has raised other relevant considerations including delivery and storage arrangements during construction and the Penhow Community Council have queried details of delivery timings etc. In the event that planning permission was forthcoming, the use of a planning condition would be relevant in this instance for a Construction Environment Management Plan (CEMP) to secure such details. However, as it is being recommended that planning permission is to be refused, this is not necessary to pursue.

8.8 Section 106 Planning Obligation matters

8.8.1 In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Reg 122 of these regulations sets out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

a) Necessary to make the development acceptable in planning terms; (the obligations of the Section 106 Agreement are necessary to ensure adequate education provision, secure affordable housing on site, provide sufficient open space and ensure its continued maintenance, monitor air quality, promote local employment benefits, secure appropriate long-term marketing of the retail/ commercial units and to improve accessibility for vehicles and pedestrians to/ from the development to ensure policy compliance.)

b) Directly related to the development; (the obligations of the Section 106 Agreement are directly related to the development.)

and

c) Fairly and reasonably related in scale and kind to the development (the obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure the aforementioned contributions for the development of this strategic site).

8.8.2 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 and	To provide a financial	40% - Rural Newport – Policy SP13	Not agreed.	Not sought due to

Economic Development	contribution towards affordable housing in Newport.	£2,559		refusal of planning permission
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HEADS OF TERMS AGREED BY APPLICANT

8.8.3 Agreement of the Heads of Terms were not sought due to planning permission being refused.

9. OTHER CONSIDERATIONS

9.1 *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.

9.2 *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.

9.3 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.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 *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.

9.6 *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.

10. CONCLUSION

10.1 The proposed development is considered to be an overdevelopment of the site that will result in an adverse impact on the character and appearance of the local street scape, the residential amenity of the host dwelling Tan y Derw, matters of highway safety and on the

landscape features of the site. Furthermore, the proposal has not demonstrated compliance with the Stepwise Approach as set out in Chapter 6 of PPW12 and has not demonstrated a scheme of biodiversity enhancement/net gain is achievable.

10.2 Planning permission is refused.

11. DECISION

REFUSED

01 Owing to its scale, design, location and appearance the proposal is overdevelopment and will result in a significant adverse impact on the character and appearance of the streetscape and its visual amenity. This is contrary to Policy GP2, GP6 and H6 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

02 The proposal will result in an unacceptable adverse impact on the residential amenity of Tan y Derw through it being overdevelopment, having an overbearing impact and significant adverse impact on light received. This is contrary to Policies SP1, GP2 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

03 The development has a significant adverse effect on interests of acknowledged importance, namely highway safety, by reason of the intensification of an existing access and failure to provide acceptable improvement and visibility splays for the proposed development. No information submitted mitigates this objection. This is contrary to Policy GP4 and SP1 of the Newport 2011-2026 (Adopted January 2015).

04 The development has a significant adverse effect on interests of acknowledged importance, namely mature landscape features including trees and hedgerow and associated visual amenity and biodiversity interests. No information submitted mitigates this objection. This is contrary to Policy SP1, SP9 and GP5 of the Newport 2011-2026 (Adopted January 2015)

05 The proposal will result in the loss of green infrastructure and soft landscaping in order to facilitate the development. No suitably detailed Green Infrastructure Statement outlining how the Stepwise Approach of Planning Policy Wales Edition 12 has been adhered to in order to provide biodiversity compensation, mitigation and enhancement has been submitted. This results in an adverse impact on biodiversity and ecosystem resilience, which is contrary to Policy SP1, SP9 and GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and Chapter 6 of Planning Policy Wales (Edition 12).

06 The proposed development will have a significant adverse impact upon interests of acknowledged importance, namely affordable housing. No signed legal agreement has been provided for the commuted sum contribution to assist the Council in meeting its on-going requirement for affordable housing. This is contrary to Policy SP13 and H4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: 2459/03 – Location Plan; 2459/04 – Existing Site Plan; 2459/05 – Proposed Site Plan; 2459/01 – Floor Plans; 2459/02 – Elevations; CJ Projects – Green Infrastructure Statement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, SP10, SP13, H2, H4, H6, GP1, GP2, GP4, GP5, GP6, GP7, W3 were relevant to the determination of this application.

03 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.