

# Delegated Decision Report

Application No:	24/1034	Statutory Expires:	Period	9 <sup>th</sup> May 2025
Site:	15 Ridgeway Newport NP20 5AF			
Proposal:	PROPOSED DEVELOPMENT TO CREATE 2NO. DETACHED DWELLINGS WITH DETACHED DOUBLE GARAGES AND ASSOCIATED PARKING			
Applicant:	D Gibby			
Type:	Full	Ward:	Allt-yr-Yn	
Decision:	REFUSED			

## 1. BACKGROUND

- 1.1 Since its original submission, additional and amended information has been provided in an attempt to address objections received from the Tree Officer and from the Highways Officer. In addition, the Applicant has submitted a Planning Statement to support the proposal and address several of the concerns raised by interested parties, including members of the public.

## 2. SITE LOCATION AND CONTEXT

- 2.1 The application site consists of an irregularly shaped parcel of land which currently forms part of the side and rear garden areas of 15 Ridgeway. The red line boundary of the site extends from the highway to the south west, along the full length of the western boundary shared with 13a Ridgeway, where it joins established woodland located to the north. The western boundary is positioned adjacent to the rear garden of 17 Ridgeway.
- 2.2. The application site itself contains a flat roof single storey detached garage located to the west of the existing semi-detached dwelling. The garden area of the site closest to the dwelling has been landscaped and consists of levels with steps down that allow access deeper into the sloping site. There are various garden structures within the front portion of the garden, along with various plants and shrubbery and areas that are laid to lawn. Further north, the garden continues to slope downwards until it reaches the rear boundary. This land is currently grass covered, however there are numerous tree stumps throughout, which appear to indicate a large number of mature trees have been recently felled.
- 2.3 Access into the site is currently gained via an existing dropped kerb and driveway off Ridgeway which is enclosed on either side by low stone walls.
- 2.4 The application site is located within the defined urban boundary, however it is not allocated for a specific purpose. The rear boundary of the application site also forms the settlement boundary. The woodland beyond the rear boundary forms the Coed y Glasllwch Ancient Semi Natural Woodland and is a Site of Nature Conservation (SINC). Land adjacent to the north boundary of the site is identified by the Local Plan as a mineral resource area.

## 3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks full planning permission for the development of 2No. detached dwellings with detached double garages and associated parking.
- 3.2 The front elevations of the dwelling would face south west and consist of a central door with ground and first floor bay windows on either side. Each dwelling would consist of an entrance hallway, two lounge rooms, an open plan kitchen/family/dining room, a W.C. and a utility room to the ground floor and four bedrooms (three with en-suite bathrooms) and a bathroom to the first floor. External materials and finishes include facing brickwork, off white render, concrete roof tiles and white UPVC windows.
- 3.3 Each dwelling would benefit from an associated double bay garage with a pitched roof design and two up and over garage doors. A private amenity space would be positioned to the eastern side of each dwelling.
- 3.4 Access to the development would be gained via a new widened access and new road which would run adjacent to the boundary shared with No.13a Ridgeway. This would presumably

be achieved by demolishing an existing single storey garage, although the plans do not explicitly indicate the demolition of the garage (the garage building should be indicated and edged in green if it is to be demolished, but this is missing from the plans). The access road and new driveways would be paved in permeable paving.

#### **4. RELEVANT SITE HISTORY**

4.1 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 (12th Edition) 2024

5.3 Newport Local Development Plan (2011-2026):

- SP1 – Sustainability
- SP2 – Health
- SP4 – Water Resources
- SP9 – Conservation of the Natural, Historic and Built Environment
- SP13 – Planning Obligations
- SP21 – Minerals
- GP1 – General Development Principles – Climate Change
- GP2 – General Development Principles – General Amenity
- GP4 – General Development Principles – Highways and Accessibility
- GP5 – General Development Principles – Natural Environment
- GP6 – Quality of Design
- GP7 – Environment Protection and Public Health
- CE3 – Environmental Spaces and Corridors
- CE8 – Locally Designated Nature Conservation and Geological Sites
- H2 – Housing Standards
- H6 – Sub-division of Curtilages, Infill and Backland Development
- T4 – Parking
- M1 – Minerals
- W3 – Provision for Waste Management Facilities in Development

5.4 Supplementary Planning Guidance:

- Wildlife and Development
- New Dwellings
- Waste Storage and Collection
- Parking Standards
- Mineral Safeguarding
- Trees, Woodlands, Hedgerows and Development Sites
- Planning Obligations

#### **6. CONSULTATION RESPONSES**

6.1 Dwr Cymru Welsh Water: No objections, subject to the following 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.*

- 6.2 Ecology Officer: If there are mature trees on site which need to be removed, then they should be assessed for their bat roost potential. In doing so, a brief internal inspection of the garage could also take place. If potential roosting features are identified, then it may be that further surveys for bats are required.

*If trees have been removed already, then I would refer to section 6.4.16 of PPW 12 which states 'Potential applicants should not conduct any pre-emptive site clearance works before submitting a planning application as this can make it more difficult for a development proposal to secure a net benefit for biodiversity. Where a site has been cleared prior to development its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place. A net benefit for biodiversity must be achieved from that point. Habitat status can be established through evidence remaining on site and local desk-based assessments (planning authorities must ensure that they have access to these data sources). In such cases, habitat status will be presumed to be good in the absence of any evidence to the contrary.'*

In addition, if trees have already been removed, then section 6.4.42 of PPW 12 advises *'Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost.'*

Therefore the application should be supported by a Preliminary Ecological Appraisal (PEA) to describe the remaining habitats on site, assess their likely biodiversity value before any clearance took place and to apply the step-wise approach set out in PPW12. Any potential impacts upon protected species such as nesting birds and bats should also be assessed and mitigation measures proposed.

- 6.3 Tree Officer:  
*1<sup>st</sup> Response:* There are objections to this application.

SPG Trees in relation to Development is relevant i.e. there must be a 5m buffer from the nearest outermost edge of the woodland canopy and this is not shown. Notwithstanding that tree information in accordance with BS5837:2012 has not been submitted to support the application.

The woodland is TPO'd TPO 13/2013 and is registered with NRW as an ancient woodland site. No tree information has been submitted regarding the boundary trees in accordance with BS 5837:2012 and there appears to be a conflict with the RPAs of the trees and the proposed levels for the buildings how is this to be designed out?

The RPAs are minimal exclusion areas and there should not be any walls, service trenches, walls, landscaping or anything else within the RPAs and submitted plans should evidence this. All trees/hedgerows must be accurately plotted all trees should be annotated on every layout plan. Any Suds proposals should be well away from the trees and should be indicated on the layout plan.

General Full tree/woodland edge /hedge and boundary tree information should be submitted in accordance with BS 5837:2012 by a bona fide Tree Consultant both inside and bordering the site should be included. BS5837:2012 Root Protection Area (RPA) The Root Protection Area (RPA) gives a mathematical and theoretical circular rooting area for each tree based on the diameter of the trunk of an individual tree. However, the above ground constraints as specified in BS:5837:2012 must also be evaluated when considering the proposed development layout in relation to trees . NB/ the RPA is the not the nearest point to a tree that "development" can take place. BS5837:2012 Constraints posed by existing trees ( in relation to existing trees/hedges and woodlands) It needs to be evidenced that this has been undertaken by the Tree Consultant 5.2 E.g. the current and ultimate height and spread of the tree. Tree species, foliage density, aphid exudate, branch drop etc. 2 Effect of shading from trees. 5.2.3 Working and access space needs consideration " the requirement to protect the overhanging canopies of trees where they could be damaged by machinery, vehicles, barriers or scaffolding where it will be necessary to increase the extent of the tree protection barriers to contain the canopy " i.e. by increasing the RPAs 5.2.4 "particular care is needed

regarding the retention of large, mature, over mature or veteran trees.....adequate space should be allowed for their long term physical retention and future maintenance” To re iterate 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 should not be compromised by a development. Newport City Council’s Climate Change Emergency declared “in November ( 2021 ) Newport Council declared an ecological and climate emergency that recognised the need to protect Newport’s local environments and reduce carbon emissions across the City. The motion would ensure that all future decisions and policies made by Newport Council would be integrated across all areas of Council activity and the Council would lead by example through partnership working.”

*Further consultation was undertaken with the Council’s Tree Officer following the submission of the Tree Report, however no response was received.*

6.4 Landscape Officer: No photos of the site are provided. No assessment is made of the impact on Coed y Glasllwch which adjoins and is also a SINCE site. As the proposals have not taken any consideration of the existing green infrastructure or proposed mitigation and enhancement as required by LDP GP5, or reviewed and mitigated the impact on overlooking residents and views from the streetscene the application should not be supported.

6.5 Environmental Health Officer: No objections, subject to the following conditions:

*No development shall commence on site until a low carbon heating strategy and associated system has been submitted to the LPA. The sustainable heating system shall be implemented prior to occupation of the development and retained thereafter.*

*Reason: To prevent unacceptable harm because of air pollution (Policy GP7); There must not be a significant adverse effect upon local amenity in terms of air quality (Policy GP2).*

*No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained. ULEV Infrastructure shall be available to staff during the construction phase in so far as this is reasonably practicable.*

*Reason: To prevent unacceptable harm because of air pollution (Policy GP7); There must not be a significant adverse effect upon local amenity in terms of air quality (Policy GP2).*

*No development, (other than demolition) shall commence until:*

- a) *An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.*
- b) *If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to (BS10175/2011), containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.*
- c) *Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.*

*No part of the development hereby permitted shall be occupied until:*

- d) *Following remediation a Completion/Verification Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.*
- e) *Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.*

**Reason:** To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

- 6.6 Senior Scientific Officer: No response received.
- 6.7 Drainage: No response received.
- 6.8 SAB: Having reviewed the information, a SAB application will likely be required due to the scale of the works.
- 6.9 Structural Engineer: No objections. One observation is that sufficient land drainage must be considered so that either property is not affected by runoff from surrounding land.
- 6.10 Local Highways Authority:

*1<sup>st</sup> Response:* Holding objection pending further information relating to access and highway safety.

The submission does not include detail of the proposed changes to the access (if any). This will be a key issue for Highways. The existing access does not meet current requirements for access to multiple properties, in particular form, width and pedestrian visibility splays (2mx2m at 600mm height). The rockery/wall either side appears to be above 600mm high and one side appears to be third party land. It would be necessary to reconfigure the access and relocate it 2m from the boundary to avoid an objection on highway safety grounds. A typical private drive / cul-de-sac form would be required.

Furthermore, there is no information regarding servicing and Highways would require provision for waste collections and delivery vehicles. The private drive must be designed to current standards and should include a turning head and minimise the need for HGVs to reverse (max 12m). A bin collection point would be needed within the site, so as not to impact highway.

Cycle parking and electric vehicle charging will be secured by way of condition for all new units.

It is not clear how many bedrooms are proposed/existing and this will determine the number of parking spaces required (one per bed). The existing unit must retain three spaces and any internal arrangements will need to consider safe access for all. Highways would not support multiple access points from highway.

At this stage Highways would not be supportive, but it appears likely that a suitable private drive could be created. The applicant should refer to the standards contained within the All Wales Design Guidance, but broadly speaking this would require radius kerbs and footway into the site, with appropriate pedestrian facilities and 5.5m minimum width of carriageway (and potential issues with trees, drainage and statutory undertakers' plant). Beyond that we would anticipate a shared surface approach with lighting.

The new drive would not be adopted and a maintenance plan may be secured via condition, to protect future residents, however it should still be built to an adoptable standard.

*2<sup>nd</sup> Response:* There does not appear to be any response to the issues raised by highways. We would therefore maintain the objections and refer the applicant to our previous comments.

*3<sup>rd</sup> Response:* Despite previous advice, the drive width is still not appropriate and does not provide pedestrian visibility splays. It would be appropriate to have 4.5 to 5m width for a drive to serve two properties. This would be served by a footway crossing (dropped kerb). The width shown is the equivalent of most major roads. This just encourages higher turning speeds. In addition, it would require a bell mouth as a footway crossing of this width cannot be supported (due to impact on other road users and parking). Notwithstanding the (completely incorrect) construction shown on the submitted plans the drive does not provide

any pedestrian visibility splays, resulting in a further objection on highway safety grounds. In summary we would maintain objections on grounds of highway safety.

- 6.11 Planning Contributions Manager: 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 requires the delivery of 30% affordable housing on new development. The equivalent commuted sum generated is £4,128.

## **7. PUBLIC REPRESENTATIONS**

- 7.1 NEIGHBOURS: Direct neighbour notification letters were sent to seven nearby addresses and a Site Notice was displayed.

Six letters of objection were received by occupiers of surrounding properties. The main points raised in the objections are summarised as follows:

- Concerns that neighbours were not properly consulted.
- There are inaccuracies in the submitted Application Form – work has commenced (removal of trees/ground clearance) and neighbours have not been informed of the proposal by the Applicant.
- The development is not in keeping with the linear arrangement of dwellings along Ridgeway.
- The proposal would disrupt the pattern of development and introduce development in a private garden setting, which would lead to the loss of private green space.
- Approval of the application would result in the setting of a dangerous precedent, which would undermine the character of the area.
- Previous applications for backland residential developments along Ridgeway have been refused.
- The proposal does not integrate well into the topography of the land.
- The proposal represents overdevelopment of the land.
- There are no soft landscaping proposals included with the submission.
- The removal of dozens of mature trees was preparation work for the proposed development.
- The removal of the trees has destroyed the habitats of several species, including bats, badgers, foxes, hedgehogs, mice, roe deer and shrews.
- More trees would need to be felled and more plants would need to be removed should the development receive planning permission.
- The proposed development could cause harm to the roots of surrounding mature trees and threaten their health.
- No Arboricultural Impact Assessment or Arboricultural Method Statement has been included with the proposals.
- No mitigation planting is proposed in lieu of the loss of habitat and to ensure that the development delivers measurable net gain to biodiversity in accordance with National and Local Policy.
- No Ecological Appraisal has been undertaken.
- Buffer zones to either Coed Glasllwch or woodland within the gardens of 13A and 17 Ridgeway have not been provided.
- The submission does not demonstrate or refer to any mitigation and adaptation measures which have been incorporated into the proposals in response to climate change.
- The proposal would result in overlooking of neighbours' properties, adversely impacting upon the privacy of neighbours.
- The proposal would be overbearing to neighbouring properties.
- The proposal would result in noise disturbance, light pollution and compromise security of neighbouring properties.
- The proposed access to the new dwellings would negatively impact upon residential amenity and privacy of neighbouring dwellings.
- There are no arrangements proposed for the disposal of waste. In any case, bins would be stored too far from the highway.
- Access to the proposed development is unsafe.
- No east-west section drawings are provided to demonstrate how the proposed level changes between the application site and the adjoining neighbour would be achieved.

- The proposed dwellings are poorly designed and do not integrate well into their setting of mature woodland and gardens.
- House design for new dwellings should include 'eco features' and be sustainable.
- The proposed finishing materials of the dwellings result in a stark, visually intrusive development.
- A SAB application has not been submitted to the Council and there is no Drainage Statement included in the submission.
- The application does not include any affordable housing contributions.

*Neighbours were reconsulted on the application following the submission of the Tree Report updated Site Plan; objections were maintained.*

## 7.2 COUNCILLORS:

- Councillor Drewett: I write to object to application 24/1034 and if you are minded to grant the application I wish to call in the application to be heard before full planning committee on the following grounds:

I strongly object to the proposed planning application due to the significant overlooking impact on neighbouring properties. It is not clear how many bedrooms are being proposed but the development's windows and elevated structures will directly face adjacent homes and gardens, severely compromising residents' privacy. This invasion of private space is detrimental to the quality of life and will create an uncomfortable living environment for affected households. The design fails to respect the need for adequate separation distances and appropriate screening measures to prevent intrusive views. Approving this application would set an unacceptable precedent, allowing future developments to disregard privacy considerations, ultimately harming the character and amenity of the surrounding neighbourhood.

I strongly object to the proposed planning application due to its detrimental environmental impact. The development threatens local wildlife, trees, and natural habitats, which are essential to the ecological balance and biodiversity of the area. The removal of mature trees and vegetation will destroy habitats for birds, small mammals, and other species that rely on them for survival. Increased human activity and construction noise will further disturb wildlife and disrupt natural behaviours. Additionally, the loss of green space will reduce environmental benefits such as carbon absorption, air purification, and flood mitigation. This proposal is unsustainable and incompatible with environmental preservation. I understand that the applicant has recently had felled approximately 30 tall trees within their boundary during the past 2 months. This suggests that they are not going to be concerned to preserve the ancient woodland which adjoins the property. The report from NCC Tree and Woodland Officer Shona Carle indicates that there will be an adverse effect on local amenity should the application be approved. She says "To re-iterate 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 should not be compromised by a development." Why have 30 tall trees been felled already?

Furthermore, I object to the proposed planning application due to the loss of valuable green space which runs contrary to NCC's Environment & Public Protection Service Plan. The development involves the removal of private green areas that contribute significantly to the character, aesthetics, and environmental health of the neighbourhood and will impact on Ridgeway's Green Lung. Green spaces provide important ecological functions, including improving air quality, reducing heat, and supporting local wildlife. Their removal will negatively impact the visual appeal and tranquility of the area, diminishing residents' quality of life. The loss of these spaces also reduces opportunities for outdoor recreation and relaxation. Approving this application would set a harmful precedent, prioritising development over environmental sustainability and community well-being. Moreover, Newport City Council's Climate Change Emergency declared "in November ( 2021 ) Newport Council declared an ecological and climate emergency that recognised the need to protect Newport's local environments and reduce carbon emissions across the City. The motion would ensure that all future decisions and policies made by Newport Council would be integrated across

all areas of Council activity and the Council would lead by example through partnership working.” We need to be preserving our green spaces not building on them.

I also object to the proposed planning application due to significant traffic and parking issues. The development will result in increased traffic in a quiet area of Newport, which is unsuitable for handling higher volumes of vehicles. This raises safety concerns for pedestrians and existing road users. Access onto Ridgeway is limited, creating additional congestion and hazardous conditions at the junction of the proposed access lane with Ridgeway, particularly during peak hours. The proposed development fails to consider the capacity limitations of local infrastructure, making it inappropriate and detrimental to the community.

Furthermore I object to the proposed planning application due to the significant potential for noise pollution and disturbance it will cause. The development’s increased activity, including construction noise, vehicle movements, and the ongoing use of the site, will disrupt the peaceful enjoyment of neighbouring properties. The introduction of additional noise-generating activities in a previously quiet area will negatively impact the quality of life for residents. The lack of appropriate noise mitigation measures in the proposal fails to address these concerns. Approving this application would result in a long-term disturbance that is incompatible with the established character and amenity of the surrounding neighbourhood.

Just to reiterate my request to call in this application should you be minded to give permission.

- Councillor Fouweather: I wish to object to this application on the following grounds:
  1. No information has been provided regarding protection of trees on the site.
  2. There are a number of TPO trees on the site which could be impacted upon.
  3. There would be privacy issues with regards the gardens at 13A and 17 and 17 A and B Ridgeway.
  4. The introduction of lighting at this site would take away the countryside amenity.
  5. There would be an impact on the ecology of the area as well as the trees and shrubs.
  6. The current and proposed access does not meet the highway criteria

I have also been informed that not all residents were consulted and therefore I would like an extension to the consultation of one month to ensure that all residents can have the opportunity to respond.

- Councillor Evans: Can I also strongly object to this application and reiterate the concerns stated by Cllr David Fouweather. It will have a detrimental impact on the local amenities and will do nothing to enhance the area. I also have major concerns about noise and light pollution and the overbearing impact on surrounding properties.

*Local Councillors were reconsulted on the proposal following the submission of the additional/amended information. Objections to the proposal were not rescinded.*

## 8. **ASSESSMENT**

### 8.1 **Principle of Development:**

- 8.1.1 The application site is located within the defined limits of development, where there is a presumption in favour of development. It is noted that the rear boundary of the plot forms the edge of the settlement boundary. The prevailing land use of the area is residential, with properties along Ridgeway fronting the road and benefitting from large rear gardens, which are undeveloped.
- 8.1.2 It is considered that the proposal would represent tandem development, which the Council’s ‘New Dwellings’ SPG defines as ‘*A form of backland development that places a new dwelling directly behind an existing one, necessitating a shared vehicular access.*’ Policy H6 (Sub-division of Curtilages, Infill and Backland Development), of the Newport Local Development Plan 2011-2026 indicates that ‘*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 over-development of land.*’

8.1.3 Based on the above, whilst Policy H6 will be further assessed below, the general principle of the proposal could be considered acceptable. In addition, the outcome of the application is subject to several material considerations which are set out below.

## 8.2 **Visual Amenity/Character and Appearance:**

8.2.1 Number 15 Ridgeway is a traditional semi detached property which is positioned at the south eastern end of the plot and directly fronts the highway. Properties along this side of Ridgeway are generally orientated in the same manner, so that they front the highway. They have wide frontages and follow an established building line. In addition, they benefit from large rear gardens which buffer the built development from the areas of ancient woodland and open countryside beyond.

8.2.2 Given the above characteristics of the application site and immediate area, it is considered that the proposed development would not follow the well established pattern of development. The pair of detached dwellings would be set deep into the site, orientated to face south west. The sloping nature of the site means that a degree of ground levelling works would be required, whilst the introduction of a new access road, along with additional driveways and detached garages would further erode the undeveloped garden land, which forms an important character of the area.

8.2.3 The topography of the site is also noted, with the site sloping downwards to the northwest. Whilst a section elevation has been submitted with the application which indicates the creation of terraced platforms for the proposed dwellings and garages, no existing topography information has been submitted and so the extent of engineering operations involved to create these terraces is unclear. The extent of necessary retaining structures and the visual impact of these structures is therefore also unclear.

8.2.4 Whilst the dwellings themselves would not be particularly visible from Ridgeway itself, they would be highly visible from adjacent residential properties. In addition, the application is not accompanied by a Landscape and Visual Impact Assessment and so it is not clear how visible the development would be from wider vantage points, particularly from the open countryside, or how it would impact the wider landscape character in general.

8.2.5 Dwellings within the vicinity are of varied design and there is no strong sense of specific character along this section of Ridgeway. The dwellings proposed would be two storeys in height and of a traditional design with a symmetrical front elevation, however they are of no particular individual design merit, neither would they use particularly high quality materials.

8.2.6 Based on the above, it is considered that the proposed development is out of character with the well established pattern of development. The proposal would erode the undeveloped garden which acts as a buffer between developed land and the open countryside. Furthermore, the development would involve not only the creation of two dwellings, but also their associated garages and access road. This, in conjunction with the inevitable associated residential paraphernalia such as bike and bin storage that would be present, would result in the overdevelopment of the site, to the detriment of the character and appearance of the area and contrary to Policies GP2, GP6 and H6 of the Newport Local Development Plan (Adopted January 2015). Furthermore, given the lack of detail in relation to the extent of engineering operations involved to create the terraces, it is unclear what additional visual impacts the retaining structures would pose.

## 8.3 **Residential Amenity For Future Occupiers:**

8.3.1 The development would provide two four bedroom dwellings and an associated detached garage and private amenity space. Each dwelling would provide occupants with an adequate standard of living, similar to that experienced by occupiers of nearby properties. It is considered that occupiers of the dwellings would benefit from adequate levels of natural light, privacy and outlook. In addition, occupiers of the dwellings would have their own private amenity spaces. The submission does not contain details of waste and recycling storage facilities, however it would appear that adequate space within the confines of the site would be available for this purpose. Notwithstanding this, the Council's Waste Storage and Collection SPG indicates that external bin storage areas should be within 25m of a vehicle collection point/kerbside for bins up to the size of a 360L and a maximum of 30m from the dwelling. It is therefore considered that the location of the dwellings would be remote from

the highway with regard to waste collection, with the closest dwelling being at least 40 metres away from the kerbside. Furthermore, this concern is exacerbated by the sloping nature of the site whereby bins would need to be dragged uphill for some distance. This would adversely impact upon the residential amenity of future occupiers of the dwellings, contrary to Policy GP2 of the Newport Local Development Plan (Adopted January 2015).

#### 8.4 **Residential Amenity for Neighbours:**

8.4.1 Policy GP2 seeks to ensure development does not result in an adverse impact on local amenity. The dwellings are orientated so that they face south west. There would be no side facing windows at ground floor level (only a utility room door), and two side facing windows at first floor level which would serve en-suite bathrooms. The Council's New Dwellings SPG states that in order to ensure that all residents have sufficient privacy in their homes, suitable separation distances must exist between protected windows in existing and proposed dwellings and protected windows that face one another should be at least 21.00 metres apart. It is considered that the development complies with this guidance. Furthermore, in order to prevent overlooking or perceived overlooking and overbearing effects, developments must have suitable separation distances between new high-level protected windows and adjacent back gardens. In most cases, a back garden should extend at least 10.00 metres from the rear elevation of a new high level window in order to protect the amenity of neighbouring gardens. Based on the submitted plans, it is unclear if the dwellings would be a minimum of 10 metres away from the rear facing boundary. Furthermore, due to the lack of detail in relation to the engineering works proposed for the site and the new levels created, it is unclear what the relative height of the proposed dwellings would be in relation to neighbouring gardens and how this may result in any additional overlooking or overbearing impacts.

8.4.2 In addition to the above, it is considered that the activities associated with the creation of the new dwellings in this location would be detrimental to the residential amenities of nearby properties. The new dwellings would share the existing access to the site, which would result in additional traffic movements in close proximity to the existing dwelling as well as to 13a Ridgeway. It is considered that this would result in frequent disturbance and compromise the amenity levels of these properties. The proposed development would result in additional noise, light spill and motion which are considered to create nuisance and disturbance to neighbouring properties, therefore causing harm to residential amenity, contrary to Policy GP2 of the Newport Local Development Plan (Adopted January 2015).

#### 8.5 **Biodiversity:**

8.5.1 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. Planning Policy Wales (Edition 12) (PPW) reiterates that biodiversity must be maintained and enhanced to enable resilient ecological networks to be built and deliver net benefits for biodiversity. 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.

8.5.2 Furthermore, PPW indicates that a step-wise approach must be taken to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for. Evidence in the form of a Green Infrastructure Statement should accompany the application to ensure that the step-wise approach has been followed. 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.

8.5.3 In this instance, the application is not accompanied by a Green Infrastructure Statement or a Preliminary Ecological Statement as required, and it is noted that a significant number of mature trees have been felled from the site prior to the submission of the planning application, as shown in Figure 1 below. PPW (Edition 12) notes where a site has been cleared prior to development its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place. Google Earth images from October 2024 appear to show tree cover throughout the site (as shown in Figure 2 below), whilst the planning application was submitted in December 2024. If trees have already been removed, then

section 6.4.42 of PPW 12 advises 'Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost.'



Figure 1



Figure 2

8.5.4 With regard to the proposal, the development scheme has clearly not followed the relevant steps, in terms of firstly avoiding and then minimising impacts on any key habitats or species

on site. There are also no details of mitigation or compensation measures. Given the nature and scale of the development, it would not be appropriate to condition this information, as their details would act to inform the development. Whilst it is noted that a Tree Report has been submitted, this largely relates to the protection of those trees which have not been removed. Furthermore, it is unclear how any engineering works required at the site to facilitate the development would impact upon trees, including those belonging to neighbours as well as those within the adjoining Ancient Woodland.

8.5.5 In conclusion, it is considered that the proposed development fails to demonstrate that it would not harm biodiversity interests or secure a net gain for biodiversity. It is therefore contrary to Future Wales Policy 9, the aims of PPW in so far as they relate to biodiversity interests and environmental protection and Policy GP5 of the Newport Local Development Plan (Adopted January 2015).

8.6 **Drainage:**

8.6.1 The application is not accompanied by any details of how surface water drainage would be effectively managed. Notwithstanding this, due to the scale of the development proposed, approval for the scheme's sustainable drainage strategy must be obtained from the SuDS Approval Body (SAB) before construction can begin. As such, this consideration is covered under separate legislation and the lack of detail with regards to drainage contained within the planning application would not form the basis of a reason for refusal.

8.7 **Highway Safety:**

8.7.1 Several issues have arisen in relation to highway safety during the course of the application which the Applicant has attempted to address. Consultation has been undertaken with the Council's Highways Department who have advised that the drive width shown on the latest plan submitted is still not appropriate as its too wide, neither does it provide pedestrian visibility splays. The Council's Engineer has advised that it would be appropriate for the drive width to be 4.5 to 5 metres wide and served by a footway crossing (dropped kerb). The width shown is the equivalent of most major roads, which encourages higher turning speeds. Based on the submitted plans and the current highway objection, it is considered that the proposal does not allow for adequate pedestrian safety and is therefore contrary to Policy GP4 of the Newport Local Development Plan (Adopted January 2015).

8.8 **Other Issues:**

8.8.1 The application site is located within a mineral resource area. Due to the location and scale of the development, it is not considered that the proposal would result in the sterilization of the mineral resource. As such, the proposal is in accordance with Policy M1 of the Newport Local Development Plan and the Mineral Safeguarding SPG.

8.8.2 A number of the objections raise concern that the proposal, if approved, would encourage further similar development and lead to the setting of a precedent. Whilst this concern is noted, should future planning applications be submitted proposing similar developments, they would, as with the current application, be determined on their individual merits.

8.9 **Section 106 Planning Obligation Matters:**

8.9.1 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).

8.9.2 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.

<b>Service Area that requires planning obligation</b>	<b>Purpose of planning obligation</b>	<b>Planning obligation initially sought by Planning Authority</b>	<b>Summary Heads of Terms agreed by applicant(s)</b>	<b>Viability Issues?</b>
Regeneration, Investment and Housing	Commuted sum for Affordable Housing.	The site lies within the Housing Target Area of Newport West. Newport West requires the delivery of 30% affordable housing on new development. The equivalent commuted sum generated is £4,128.	Agreed to provide full contribution of £4,128.	No.

8.9.3 The Heads of Terms have been agreed by the Applicant and it is considered that the proposal would contribute positively towards sustainable development, thereby satisfying Policies SP1, SP13 and H4 of the NLDP and SPG: PO.

## **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 application fails to comply with several of the relevant policies of the Local Development Plan. As such, it is considered that the proposal should be refused.

**11. DECISION**

**REFUSE, for the following reasons:**

- 1) The proposal is 'backland' development which would result in the overdevelopment of the site and be out of character with the well-established pattern of development by protruding away from the building line of residential dwellings. The proposed dwellings, garages, engineering works and retaining structures would erode the undeveloped garden land which currently acts as a buffer between built development and the open countryside, causing harm to the character and appearance of the area. The development would also incorporate a very wide and intrusive access, and access road of substantial width, which would be out of keeping and detrimental to the appearance of the street scene of Ridgeway and exacerbate the visual impact of the development on the wider landscape. There is a lack of detail in relation to the proposed engineering and levelling works and associated retaining structures which fails to offer mitigation for the visual impact of these engineering works. The proposal is therefore contrary to Policies GP2, GP6 and H6 of the Newport Local Development Plan (Adopted January 2015).
- 2) The proposed dwellings would be remote from the highway with regard to waste collection. This concern is exacerbated by the topography of the site, which would result in future occupiers having to drag waste bins uphill for a considerable distance. This would adversely impact upon the residential amenity of future occupiers of the dwellings, contrary to Policy GP2 of the Newport Local Development Plan (Adopted January 2015) and the Newport City Council Waste Storage and Collection Supplementary Planning Guidance (January 2020).
- 3) The proposal would have a significant adverse impact upon interests of acknowledged importance, namely residential amenity by reason of the separation distances between the front and rear elevations of the proposed dwellings and neighbouring gardens, being sited in a position where neighbouring dwellings currently enjoy a high standard of privacy and amenity. No information has been submitted to mitigate this objection. The proposal is therefore contrary to Policy GP2 of the Newport Local Development Plan (Adopted January 2015).
- 4) The proposed development would result in the introduction of traffic and pedestrian movements in close proximity to the boundaries of Nos. 13a and 15 Ridgeway where there are currently no such movements. The neighbouring dwellings currently enjoy a high standard of privacy and amenity and these movements would cause frequent disturbance, noise, light spill and motion and general activity which would compromise the amenity levels of these properties. The proposal is therefore contrary to Policy GP2 of the Newport Local Development Plan (Adopted January 2015).
- 5) The proposal has had a significant adverse impact upon interests of acknowledged importance, namely green infrastructure and biodiversity, due to the loss of trees and

hedgerows from pre-emptive site clearance works. No Green Infrastructure Statement has been provided, neither has a step-wise approach to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity been undertaken and there is insufficient information submitted to overcome these objections, including replacement planting at a ratio of 3 new trees to each tree lost. Furthermore, the application contains insufficient information in relation to the proposed engineering works and retaining structures to enable an assessment of the impact of these works on trees, including those belonging to neighbouring properties and those within the adjacent Ancient Woodland, to be undertaken. In addition, the application is not supported by a Preliminary Ecological Appraisal (PEA) describing the remaining habitats on site, assessing their likely biodiversity value before any clearance took place and applying the step-wise approach set out in Planning Policy Wales Edition 12 (PPW12). There is also a lack of information in relation to any potential impacts from the development upon protected species such as nesting birds and bats. The application is therefore contrary to Future Wales Policy 9, the aims of PPW12 in so far as they relate to biodiversity interests and environmental protection and Policy GP5 of the Newport Local Development Plan.

- 6) The proposed access is inappropriate to serve the proposed development, being too wide, which would encourage high traffic speeds, and it does not provide adequate pedestrian visibility splays, resulting in harm to pedestrian safety. Furthermore, the application contains insufficient information in relation to servicing and the provision of waste collection and delivery arrangements for the site. The proposal is therefore contrary to Policies GP4 and GP6 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).
- 7) The development would have a significant adverse impact upon interests of acknowledged importance, namely it represents an unsustainable form of development which fails to be mitigated by contributions towards affordable housing. As such, the scheme is contrary to the Planning Obligations SPG dated January 2020 and policies SP1, SP13 and H4 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

#### *NOTE TO APPLICANT*

- 1) This decision relates to plan Nos: OS01 Site Location Plan, OS02 Proposed Site Plan, PL01 Proposed Floor Plan, PL02 Proposed Elevations, PL03 Proposed Garage, PL04 Rev A Proposed Site Sections, PL05 Proposed Site Plan Sheet 1, PL06 Proposed Site Plan Sheet 2 Rev B, PL07 Existing Site Sections, Planning Statement, Tree Information Report, Tree Protection Plan.
- 2) The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP4, SP9, SP13, SP21, GP1, GP2, GP4, GP5, GP6, GP7, CE3, CE8, H2, H6, T4, M1 and W3 were relevant to the determination of this application.
- 3) The Wildlife and Development, New Dwellings, Waste Storage and Collection, Parking Standards, Mineral Safeguarding, Trees, Woodlands, Hedgerows and Development Sites and Planning Obligations Supplementary Planning Guidance was relevant to the determination of this application.
- 4) The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.