

## Delegated Decision Report

Application No:	25/0204	Statutory Period Expires:	20 <sup>th</sup> June 2025
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Site:	<i>21 Clyffard Crescent Newport NP20 4GF</i>		
Proposal:	<b>PROPOSED CONSTRUCTION OF 2 SELF CONTAINED FLATS WITH ON SITE REFUSE AND CYCLE STORAGE FACILITIES</b>		
Applicant:	<i>M Cleary</i>		
Type:	Full	Ward:	Stow Hill
Decision:	REFUSED		

### 1. BACKGROUND

1.1 None.

### 2. SITE LOCATION AND CONTEXT

2.1 The site is located within an established residential area forming part of a pair of semi-detached properties. The two storey property has a full height bay window to the principal elevation with a small front garden. A boundary wall envelopes the site and features a vehicle access to the rear yard area which has signs of use as off street parking. The road along the eastern boundary is a no through road. The application site only relates to the rear yard/parking area of 21 Clyffard Crescent.

### 3. DESCRIPTION OF DEVELOPMENT

3.1 Subdivision of existing residential curtilage to erect a purpose built 1no. one bedroom flat and 1no. two bedroom flat building.

### 4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
90/0920	CHANGE OF USE OF DWELLING INTO TWO FLATS	Granted with conditions	05.10.1990

### 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

5.3 Technical Advice Note 12 – Design

5.4 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- SP1 – Sustainability
- SP10 – House Building Requirement
- SP13 – Planning Obligations
- GP2 – General Amenity
- GP4 -Highways and Accessibility

- GP5 – Natural Environment
- GP6 – Quality of Design
- H2 – Housing Standards
- H6 – Sub-division of Curtilages, Infill and Backland Development
- T4 – Parking
- W3 – Provision for Waste Management Facilities in Development

## 5.5 SUPPLEMENTARY PLANNING GUIDANCE

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

## 6. CONSULTATION RESPONSES

6.1 Ecology Officer: No response.

6.2 Landscape Architect:

The site is rear plot development of a traditional semi-detached property.

There are no landscape policy restrictions.

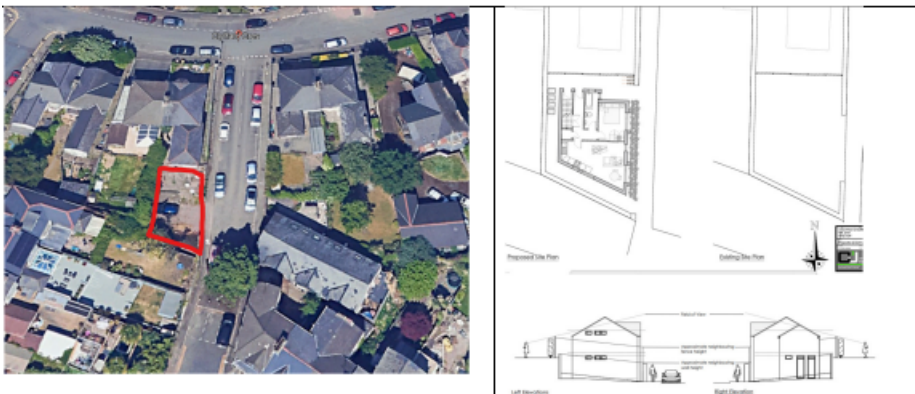
This is a residential area of semi-detached houses with gardens (some converted into flats) and rows of terraced houses close by to the east.

The proposal is for two flats on a very tight site which results in:

- No allowance or space to accommodate for onsite parking or above ground SUDs.
- No outside amenity space.
- The proposal would be overlooked by a number of properties and in my view would create an overbearing building mass onto the street view with no scope for mitigation.
- A strip of planting is shown, this appears to the rear of the site on sections, but to the frontage on the plan – see below. I don't think there is sufficient room at the frontage.

If the application is progressed, the usual soft landscape specification covering species, height, density at planting, planting bed preparation and maintenance regime would be required in addition to landscape drawn sections to the front and rear.

Overall the proposal in my view would be overdevelopment of the site with no scope for mitigation.



6.3 Tree Officer: No objection.

6.4 Drainage Manager: No response.

6.5 Planning Contributions Manager: Contributions required.

6.6 Environmental Health Officer: No response.

- 6.7 Senior Scientific Officer: No response.
- 6.8 SAB: SAB application will be required.
- 6.9 Waste Manager: We would anticipate each flat receive a single 120l bin for kerbside collection with recycling bags, boxes for kerbside collection also with one council tax paid on each of the properties.

From April 1st 2020, developers or owners of all new residential units will be required to purchase bin provision for each unit serviced to meet the Council's specification. 120L, 180L, 240L and 360L wheeled bins must be purchased/obtained from Newport City Council. 660L and 1100L bins can be purchased elsewhere but it is strongly recommended to speak to NCC Waste Management Refuse Management beforehand to ensure the bins fit the Refuse Department collection vehicles safely. Failure to purchase correct bin(s) will result in collections being suspended with the Council reserving the right to refuse collection until suitable bin specifications are met.

- 6.10 Highways Officer: Objection on grounds of parking and cycle parking policies.

Highway Comments: The proposals remove existing parking provision and add two more flats increasing the on street parking demand with both actions. We do not consider that there is sufficient on street parking in this location to accommodate this. Inconsiderate and unsafe parking is likely to occur as a result. There is no provision for cycle storage demonstrated for either property, raising further objections in terms of policy and sustainability.

- 6.11 Dwr Cymru/Welsh Water: This site is crossed by a public sewer with the approximate position being marked on the attached statutory public sewer record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. Having regard to drawing reference AL(00)04, it appears the proposed development would be situated within the protection zone of the public asset measured 3 metres either side of the centreline. Please note, the distance specified for this protection zone is indicative and based on industry standard guidelines. However, the depth of the asset will need to be verified on site which may infer a greater protection zone. For completeness, we recommend the developer refer to their title deeds to confirm if there are any covenants or restrictions associated with the asset crossing the proposed development site.

In this instance, it appears there is sufficient space and scope to re-position the development outside the protection zone of the asset. Therefore, it is strongly recommended that drawing reference AL(00)04 is amended to take into account the location of the asset crossing the site and we respectfully request we are re-consulted on receipt of this information. It is also recommended that the developer contact our Plan and Protect team (PlanandProtect@dwrwymru.com) to carry out a survey to verify the location of the asset and establish their relationship to the proposed development.

Accordingly, for the reasons outlined above, we offer a **Holding Objection** until such time as additional/amended information has been submitted and request we are re-consulted on receipt of this information.

## 7. PUBLIC REPRESENTATIONS

Neighbour notification letters were sent on the 21<sup>st</sup> March 2025.

- 7.1 NEIGHBOURS: None received.

## 8. ASSESSMENT

### 8.1 Main Issues:

8.1.1 The main issues with the scheme relate to the siting of the scheme within 3 metres of the main sewer, subdivision of curtilage, design, amenity, loss of existing parking and increase in demand for on street parking. Other material considerations shall follow this assessment.

### 8.2 Impact on Drainage

8.2.1 The consultation response from Welsh Water sets out that the proposed development lies within the 3m buffer zone of the existing sewer. The sewer line runs through the centre of the highway. The proposed development would likely connect into this system, however the built elements of the scheme lie within the red edge plan. The sewer will remain fully accessible at all times as its location shall remain within the centre of the existing highway. Therefore, the proposal accords with Policy SP4.

### 8.3 Impact on Highways and Parking

8.3.1 The proposed development seeks to utilise an existing area of car parking serving 21 Clyffard Crescent. The planning history shows that the previously consented scheme 90/0920 allowed for the existing property to be subdivided to form 2no. residential units with car parking to the rear. The consent contained a condition limiting the use of the rear yard to be used as car parking serving the residential units. A search of the address points confirms that two addresses are allocated to the existing building; 21 and 21A Clyffard Crescent.

8.3.2 The Highways Officer has raised concerns regarding the loss of existing parking and the absence of parking to serve the proposed units. The rebuttal submitted by the agent sets out that the rear yard/parking does not serve 21 Clyffard Crescent, and is simply an overgrown yard. Limited weight is given to the justification put forward to discount the use of the rear yard as a viable parking area as it remains accessible and useable for the purposes of car parking.

8.3.3 The proposed development has a parking standard of 4no. off street parking spaces according to the Parking SPG document. The proposal does not include any parking, or a parking survey to identify if the offset parking could be accommodated within neighbouring streets. Although on street parking is controlled by parking permits, the on street parking is already heavily oversubscribed. Therefore, the loss of the existing parking and the demand for parking created by the proposed development is likely to lead to additional on street parking pressures which in turn lead to adverse effects on the safe and efficient use of the highway network contrary to Policy GP4 and T4.

8.3.4 It is noted that 2no. cycle spaces are provided and covered with an open canopy. However, this is not suitable as the proposed storage is not secure for long stay cycle parking. As such, the proposal fails to provide suitable secure bicycle storage contrary to the Sustainable Travel SPG and Policy T4.

### 8.4 Subdivision of Existing Curtilage and Amenity

8.4.1 The supporting information and application confirm that the area forms part of the curtilage of 21 and 21A Clyffard Crescent. Therefore, Policy H6 applies to the scheme. Generally, this policy is permissive, however any scheme should not represent as an overdevelopment of the site.

8.4.2 The proposal is set off from the common boundaries at distances ranging from 1.2m – 1.4m. The filling of the plot results in no useable private amenity space being afforded to any future occupants, nor does the floorplan layout include any recessed balconies to provide any form of other private amenity space. The New Dwellings SPG set out that a new block of flats should provide 15sqm of communal amenity space per occupant. The proposed development falls considerably short of this requirement to the detriment of any future occupiers enjoyment and amenity.

- 8.4.3 The overall height, scale, massing and proximity to the edge of the footway all contribute toward the overbearing nature of the scheme which results in an incongruous and contrived appearance to the detriment of the character of the area and residential amenity.
- 8.4.4 The erection of the proposed building would be sited adjacent 74 York Place; the combination of both buildings being located in such close proximity to the edge of the footway would reduce the sense of openness creating a tunnelling effect when viewed from the junction with Clyffard Crescent.
- 8.4.5 The submitted elevation drawings show the private amenity space of 22 Clyffard Crescent having a higher ground level than that of the yard area of 21 Clyffard Crescent. Despite the changes in ground levels, it is considered that the proximity of the two storey dwelling being within approximately 1.2 of the common boundary would have an overbearing impact on the amenity of the occupants of 22 Clyffard Crescent. Furthermore, the presence of the windows in the rear elevation are considered to also contribute toward feelings of overlooking of the private amenity space of 22 Clyffard Crescent, despite the windows being high level and on an acute angle.
- 8.4.6 The New Dwellings SPG document sets out that a new flat with a walk up access has a desired gross internal floor space of 50sqm for a one bed and 65sqm for a two bed. Furthermore, the Welsh Development Quality Requirements 2021 sets out the minimum internal floorspace requirements of 53sqm and 65sqm respectively for a one and two bedroom unit. The units proposed measure 42sqm and 46sqm for the one-bedroom ground floor and two bedroom first floor respectively. The shortfall in living space is considered to result in poor living conditions for any future occupant.
- 8.4.7 The proposed scheme would result in demonstrable harm toward the amenity of existing neighbouring properties and any future occupant; the design represents as an overdevelopment of the site and is therefore contrary to Policies GP2, GP6 and H6.

## 8.5 **Impact on Character and Appearance**

- 8.5.1 The scheme seeks to introduce a contemporary version of typically period features, notably through the full height feature gable. Given the physical constraints of the site, it is considered that the building is over scaled. Painted render is proposed for the external walls; it is considered that the lack of architectural features and the scale of the building provides very little visual interest and adversely contributes toward the bulk and massing of the building. It is considered the proposal does not positively contribute toward place making and is generally a poorly designed scheme that would harm the wider character and appearance of the area contrary to Policy GP6.

## 8.6 **Impact on Biodiversity**

- 8.6.1 The proposal is supported by a proportionate green infrastructure statement which includes the provision of bird boxes and bee bricks. No objection has been received from the Councils Ecologist. It is considered the proposal accords with Policy GP5.

## 8.7 **Waste**

- 8.7.1 The Waste Officer has raised no objection to the amount or location of waste and recycling storage which is located at the rear of the property. It is considered the proposal accords with Policy W3.

## 8.8 **Section 106 Planning Obligation matters**

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).

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	To provide on site affordable housing.	A sum of £1,716 toward off site affordable housing.	Not agreed.	No.

## **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 proposal would result in harm on the amenity of future occupiers and existing residential properties and it is not supported by any sufficient information to justify the removal of existing parking and the absence of any parking to serve the proposed dwellings. Furthermore, the proposal is over scaled and poorly designed resulting in an adverse impact on the wider character. As such, the application is hereby refused.

11. **DECISION**

**Refuse, for the following reason(s):**

01 The proposal represents an overdevelopment of the site which is demonstrated through two main ways:

1. Impact on neighbouring occupiers including the host property (loss of amenity space / car parking that currently serves the host property which is a substantial residential property) and overbearing impact, particularly on the host property which would be left with a very short garden and a high building in close proximity to rear windows).
2. Poor level of amenity for future occupiers due to a lack of a meaningful external amenity space to serve the proposed flats and substandard floor area in relation to the New Dwellings Supplementary Planning Guidance and the Welsh Development Quality Requirements 2021, and lack of parking provision for the proposed flats with no justification for the deficit.

Therefore, the proposal is contrary to the New Dwellings Supplementary Planning Guidance Document (Adopted January 2020) Policy H6, GP2, GP4 and T4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

02 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 and off-site leisure improvements. 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).

03 The development would have a significant adverse impact upon the character and appearance of the area through the introduction of an over scaled building with very little architectural detail resulting in excessive bulk and massing contrary to the placemaking objectives of Planning Policy Wales (Ed.12) and Policy GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

*NOTE TO APPLICANT*

01 This decision relates to plan Nos:

- Proposed Elevations AL(00)02 Rev B
- Proposed & Existing Site Plan AL(00)04 Rev A
- Proposed Plans AL(00)01 Rev B
- GIS Sept 2024.
- AL(90)01 Location Plan

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP10, SP13, GP2, GP4, GP5, GP6, H2, H6, T4 and 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.