

Delegated Decision Report

Application No:	26/0650	Statutory Period Expires:	15th October 2026
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Site:	Land Between 75 And 79 Aberthaw Road Newport NP19 9QQ		
Proposal:	CONSTRUCTION OF A SINGLE DWELLING WITH OFF ROAD PARKING SPACE		
Applicant:	T Richardson		
Type:	Full	Ward:	Alway
Decision:	REFUSED		

1. BACKGROUND

- 1.1 This site has previously benefited from full planning permission for the erection of a detached dwelling (90/0648) and outline planning permission for the erection of 1no. detached dwelling (04/1568) however these permissions have both now lapsed. Full planning permission was also sought for the construction of a detached dwelling and associated works (19/1162), however this application was refused for the following reasons:

01 By reason of poor design the proposals would be out of keeping and unsympathetic to the appearance of the area and would result in a detrimental impact to the visual amenity of the street scene and would be contrary to the design objectives in PPW Edition 10, Policy GP6 of the Local Development Plan for Newport 2011-2026 (Adopted January 2015) and the Council's Supplementary Planning Guidance for New Dwellings and Parking (Adopted August 2015).

02 By reason of its siting, scale and design, the proposed development would result in an overbearing impact and loss of light to neighbouring occupants (namely 79 Aberthaw Road) due to the proximity of a two storey wall less than 3m away from a primary/sole window serving the neighbour's living room. The proposals would be detrimental to neighbouring amenity contrary to Policy GP2 of the Local Development Plan for Newport 2011-2026 (Adopted January 2015) and the Council's Supplementary Planning Guidance for New Dwellings and Parking (Adopted August 2015).

03 Insufficient information has been submitted to demonstrate that suitable vehicle and pedestrian visibility splays can be achieved. In the absence of information to demonstrate this the proposals would be detrimental to highway and pedestrian safety. The development is contrary to Policy GP4 of the Local Development Plan for Newport 2011-2026 (Adopted January 2015) and the Council's Supplementary Planning Guidance for Parking.

04 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 H4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

2. SITE LOCATION AND CONTEXT

- 2.1 This application relates to land between 75 and 79 Aberthaw Road, Newport. The site currently comprises a vacant, rectangular plot between two existing dwellings off Aberthaw Road. The site rises from approximately 14.7AOD to 18.2AOD from Aberthaw Road to the rear of the site (south to north). It currently comprises unimproved grassland, however no mature trees or vegetation are present. The site is bound to the north, east and west by existing residential development and to the south by the footway along Aberthaw Road. In terms of the wider site context, Alway Primary School is located to the north and west with Alway Centre to the east and Liswerry Park and the railway line to the south.
- 2.2 The existing vernacular along Aberthaw Road is varied however within the immediate vicinity of the application site the dwellings comprise post war semi detached two storey dwellings finished in a combination of pebble dash and painted render with concrete tile

roofs. The properties are set back from the road with small front gardens and driveways. Many include dwarf walls and railings along their frontage. 4no. bungalows are also located to the east of the site, most of which are double bay fronted, finished in a combination of brick and render with concrete tile roofs. These properties are also set back from the road with small front gardens and driveways. All include dwarf walls or railing excluding no. 79 which appears to have been altered historically to accommodate a level parking area and disabled access.

3. DESCRIPTION OF DEVELOPMENT

3.1 This application seeks full planning permission for the construction of 1no. dwelling with an off road parking space and associated works. The proposed dwelling would be split level with three storeys to the front (south) and two storeys to the rear of the site (north). The property would be accessed at first floor level from the south via steps to the west of the building. The accommodation at ground floor level would include 2no. bedrooms, a bathroom, utility area and an open plan kitchen/dining/living room all accessed off a central hallway. The accommodation at first floor level would include 1no. bedroom with an ensuite bathroom. The proposed dwelling would also include a garage at lower ground floor level with a parking area to the south which would accommodate 2no. cars and be accessed at street level. A raised walkway is proposed to the front elevation which would provide access down either side of the building to a patio area and garden at the rear. A linear rain garden and area of planting would be located to the west of the proposed dwelling adjacent to the boundary with no.75.

3.2 The proposed dwelling would measure 8.1m in width, 14.7m in length, 9m in height (at the front of the building) and 6.5m in height (at the rear of the building). It would be finished in a combination of brick and grey textured render with a grey slate tiled roof with red ridge and hip tiles. In terms of fenestration, the south elevation would include 1no. access door and a single garage door at lower ground floor level and 2no. windows at ground floor level. The east elevation would include 2no. windows and 1no. door at ground floor level and 2no. windows at first floor level. The west elevation would include 3no. windows and 1no. door at ground floor level and 1no. window and 1no. roof light at first floor level. The north elevation would include a set of patio doors and 1no. window at ground floor level and 1no window at first floor level. The steps to access the raised walkway and the walkway itself would also include a glass balustrade. Retaining walls would be built either side of the walkway along the boundaries with no. 75 and no.79 and waste would be stored within a recess adjacent to the steps. A 2m high boundary wall/fence is shown on the proposed sections along the boundary with no.75, no boundary detail is shown between the proposed dwelling and no. 79.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision
19/1162	CONSTRUCTION OF DETACHED DWELLING AND ASSOCIATED WORKS	REFUSED
04/1568	ERECTION OF DETACHED DWELLING (OUTLINE)	GRANTED WITH CONDITIONS
90/0648	ERECTION OF A DETACHED DWELLING	GRANTED WITH CONDITIONS

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.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- Policy SP1 Sustainability favours proposals which make a positive contribution to sustainable development.
- Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
- Policy GP4 General Development Principles – Highways and Accessibility states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.
- Policy GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.
- Policy GP7 General Development Principles – Environmental Protection and Public Health states that development will not be permitted which would cause or result in unacceptable harm to health.
- Policy H6 Sub-division of Curtilages, Infill and Backland Development permits such development only where it does not represent an over development of the land.
- Policy T4 Parking states that development will be expected to provide appropriate levels of parking.
- Policy W3 Provision for Waste Management Facilities in Development states that where appropriate, facilities for waste management will be sought on all new development.

5.4 SUPPLEMENTARY PLANNING GUIDANCE

The following Supplementary Planning Guidance is relevant:

- New Dwellings (adopted August 2015)
- Parking Standards (adopted August 2015)
- Affordable Housing (adopted August 2015)

6. CONSULTATION RESPONSES

6.1 ECOLOGY OFFICER: I have no objection to this application, provided the implementation of the measures set out in the Green Infrastructure Statement and the Ecological Enhancement Plan is secured by planning condition.

6.2 LANDSCAPE OFFICER: The Green Infrastructure Statement includes a planting plan, and planting beds are allocated on the Proposed Site Plan layout. In addition to 'specialist rain garden planting', 2no small garden trees and planting beds with a specified mix of small to large shrubs are proposed to the front and rear. I have no issues with the species proposed

although note the numbers shown in the GIS are insufficient to cover the planting area shown. As locations for species are not shown, I would recommend that the larger shrubs [Hydrangea – not evergreen – and Photinia which is evergreen] are used in the narrow bed highlighted below as this will help to visually soften the retaining structure for the three flights of steps. There may only be space for a Photinia hedge. I have a slight concern over the proposal for a glazed balcony to the frontage which at first floor level and will overlook the street and properties opposite [noted that the neighbouring bungalow only has railings] this would also be out of character with the street view.

6.3 TREE OFFICER: No objections.

6.4 DRAINAGE OFFICER: Having reviewed the submitted information, a SAB application may be required.

6.5 ENVIRONMENTAL HEALTH OFFICER: Having reviewed the supporting documentation, I confirm we have no objections in principle to the proposal. If permission is granted we propose the condition below:

Construction Environmental Management Plan (CEMP)

A site-specific CEMP, outlining comprehensive dust suppression measures, vibration tracking, and a community liaison protocol, must be approved prior to site clearance.

Prior to the commencement of development, to include demolition, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

Development/Construction Hours To protect the amenity of existing residents, I would recommend that there is no arrival, departure, loading or unloading of vehicles, development and/or construction (including land raising and demolition if required) occurs outside the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays. There shall be no development on Sundays or Bank Holidays.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

6.6 SCIENTIFIC OFFICER: No response.

6.7 WASTE MANAGER: We would anticipate the property receive a single 120l bin for kerbside collection with recycling bags, boxes for kerbside collection also with one council tax paid on the property as a whole. 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.

6.8 HIGHWAYS OFFICER: No objection subject to conditions. The application indicates pedestrian visibility splays that are not correctly drawn. The required visibility is achievable subject to careful design and boundary treatments, so this should be addressed via conditions. The plans effectively show an excessively wide drive (albeit only two spaces are annotated). The drive can only be used lawfully via a footway crossing (dropped kerbs). This would be limited to a double drive width, and the remainder of the drive should be landscaped / have appropriate low boundary treatments to prevent inappropriate use. (Excessive crossings are prejudicial to many highway users and reduce available road side parking, so cannot be supported). It is noted that the garage is of sufficient dimensions to

be considered as a third parking space, so that the development would be compliant with current policies. The drive is indicated to be permeable but would still potentially create run-off in heavy rain. This should be intercepted and channelled back to the soak-away. Again, this can be addressed by way of condition. Further condition is needed to secure electric vehicle charging of a suitable specification. The applicant should note that the creation of the footway crossing requires licence from Highways which is separate and independent of Planning. It is dependent on providing appropriate visibility and suitable drive design. In summary there are no highway related objections, subject to the following conditions.

Suggested Conditions:

The development shall not be implemented until the surface water drainage of the site has been designed to prevent the discharge of water on to the highway.

Reason: To prevent unnecessary surface water from being deposited on to the highway thus causing a potential source of danger to other road users.

No part of the development shall be brought into use until visibility splays of 2 metres by 2 metres have been provided on each side of the access. The depth shall be measured from the back of footway; and the width measured outward from the edges of the access. The splays shall be created clear of obstructions to visibility at or above a height of 0.6 metres above footway level. Once created, the visibility splays shall be maintained clear of any obstruction and shall be retained at all times.

Reason: To provide the driver of a vehicle using the access and other users of the public highway with adequate inter-visibility in the interests of road safety.

The dwelling shall not be occupied until a means of vehicular access and access for pedestrians has been constructed in accordance with the approved plans.

Reason: To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users in the interests of road safety.

Before the access is used for vehicular purposes, that part of the access extending from the nearside edge of the highway boundary of Aberthaw Rd for a minimum distance of 5 metres into the site shall be appropriately paved in a bound material such as tarmac, concrete, block pavements or other material approved in writing by the Council as Local Planning Authority.

Reason: To prevent loose surface material/debris from being carried on to the public highway thus causing a potential source of danger to other road users in the interests of road safety.

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

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking or re-enacting that order), the garage shall not be converted to living accommodation or used for any purpose that would preclude the storage of a car except following the express grant of planning permission by the Council.

Reason: To ensure that appropriate provision for parking vehicles is made within the curtilage of the dwelling. In particular that adequate secondary off-street parking space is available so that vehicles do not over-hang the footway and that unimpeded visibility is maintained for all road users.

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

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

- 6.9 DWR CYMRU WELSH WATER: The proposed development site is crossed by 150mm public combined sewers. Please see copy of indicative public sewer record attached. No operational development is to take place or SuDS features installed within 3 metres either

side of the centreline of the sewer. We request that prior to commencing any operational development the location of these assets are determined. It seems the applicant proposes to divert these assets. We advise that the applicant will need to submit an application under S185 of The Water Industry Act 1991 where the proposal will be reviewed and feasibility assessed.

Sewerage

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

Turning to surface water drainage, as of 7th January 2019, this proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. In the event this proposed development amounts to a total impermeable area of 100sqm or more, approval of Sustainable Drainage Systems (SuDS) features will be required in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. In this instance, we offer no objection to proposals for disposal of surface water flows into a soakaway, in principle, subject to consultation and agreement with the regulatory body or riparian owner of this system.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Conditions

No development shall take place until a scheme to divert the public sewers crossing the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure that the proposed development does not affect the integrity of the public sewerage system in the interests of public health and safety.

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.

7. PUBLIC REPRESENTATIONS

Neighbour notification letters were sent on 25/08/2026, Site Notice was put up on 28/08/2026.

- 7.1 NEIGHBOURS: Neighbours with a common boundary and opposite were consulted (5no. properties) and no responses were received.

8. ASSESSMENT

Principle of the Proposed Development

- 8.1 The site is located in a sustainable location within the settlement boundary, the principle of residential development in this location is therefore considered acceptable subject to other material planning considerations.

Design and Amenity

- 8.2 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.

Policy GP6 (Quality of Design) also states that good quality design will be sought in all

forms of development. In considering proposals, a number of factors 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.

The proposed dwelling would have a narrow hipped roof at its frontage at both ground floor and first floor level with a lack of architectural detail and fenestration at first floor level on its principal elevation. The 2no. windows at ground floor level would be set back behind the glass balustrade and the only entrance door on this elevation would be at lower ground floor level adjacent to the garage door. The proposed design also includes retaining walls either side of the proposed building to facilitate access to a raised walkway transcending either side of the property via steps set forward of the principal elevation.

- 8.3 Whilst it is acknowledged that there is some variation in terms of house styles in the vicinity and Policy GP6 states that proposals should avoid the inappropriate replication of neighbouring architectural styles the design, of the proposed dwelling is entirely out of keeping with the design of neighbouring dwellings and subsequently the proposed dwelling would jar with the local vernacular. The proportions of the glazing in the front elevation of the property do not reflect the bay frontages evident in both the adjacent semi-detached properties and bungalows and the lack of fenestration at first floor level leaves a large area of blank render and an expanse of roof highly visible from the public realm. The raised walkway, retaining walls, steps, garage door and expanse of brickwork at lower ground floor level are also considered to be overly dominant features at the front elevation and serve to disrupt the rhythm of development along Aberthaw Road. Whilst it is acknowledged that the bungalow next door includes a parking area to its frontage, this was originally constructed to facilitate disabled access and should therefore not set a precedent to be replicated on the application site. That said, there are many examples of off road parking locally but the visual impact of these is frequently mitigated by retained front lawns and planting which would not be the case here. In fact the frontage proposed is dominated by walling, hardsurfacing and the garage door, none of which responds positively to the character and appearance of the streetscene. It should also be noted that the retaining walls and brickwork would be higher on the proposed dwelling than on the adjacent bungalow. In addition, the proposed finish in grey textured render with the glass balustrade are at odds with the surrounding properties. The stepped, split level design is odd in this context, with a very dominant forward projecting lower element with a ridge off set from the higher level element and particularly poor detailing overall. The frontage is particularly hard and unsympathetic in its appearance and the entire proposal is poor design. Overall the proposed design is unsympathetic, overly dominant and detrimental to the visual amenity of the street scene.
- 8.4 With regards to amenity, the New Dwelling SPG states a minimum distance of 14m should be provided between a two storey wall and habitable room windows in the interests of neighbouring amenity. The proposed dwelling includes windows at both ground floor and first floor level along the east elevation within 1m of the boundary, however no boundary treatment is detailed on any of the submitted plans along this side of the property between the application site and no.79. Whilst some of the proposed fenestration is marked as obscure, it would not be fixed pane and the neighbouring property includes 1no. large window in its west elevation which would look directly into the fenestration at ground floor level of the proposed dwelling. This would lead to an unacceptable loss of privacy in respect of both dwellings. Whilst any inter-looking could be avoided by the erection of a fence or wall, the purpose of this distance is to ensure that new development is not overbearing and given that the distance would be significantly less than the 14m specified in the SPG and that this is the sole window serving the neighbouring property's living room, it is considered that the proposals would result in an overbearing impact to the occupants of the neighbouring dwelling in their enjoyment of their property.
- 8.5 The proposed dwelling also includes 2no. windows at first floor level in its west elevation which would look directly into the amenity area of no.75. Again, whilst these windows are marked obscure, they would not be fixed pane and whilst this property has a ground floor extension along the boundary, this would only provide some screening of the amenity area. Furthermore, it is not considered appropriate to require any of the aforementioned fenestration to be fixed pane as this would preclude natural ventilation to bedrooms and

living areas which would not be considered acceptable. In addition, the two storey element of the proposed dwelling would sit approximately 3m north of the rear elevation of no.79, which is only a single storey property. The proposed building would be located within 1.6m of the shared boundary and due to its height and location is considered to be overbearing in relation to the amenity area associated with no.79.

- 8.6 Finally, the distance from the rear elevation of the proposed dwelling to the boundary of the properties to the north would only be 8.5m, this is less than stated in the Council's New Dwellings SPG which specifies a minimum distance of 10m between first floor windows and rear boundaries. Notwithstanding this, neighbouring properties to the north in Henry Wood Walk have good size gardens having a depth of around 16m with a window to window distance of around 25m which exceeds the 21m specified in the Council's guidance. As such officers do not have any concerns with regard to the impact of the proposals on these properties.
- 8.7 In addition to the above, it is noted that there is also a lack of detail on the submitted drawings, in particular details of heights of the retaining wall to the east of the parking area have not been provided, the proposed steps to the front elevation are shown in varying designs across the elevations and site plan, no details of the rain gardens or planting areas shown to the west of the dwelling have been provided and no sections have been provided to show the height and level of the patio area to the rear and sides of the dwelling. Without this information it is not possible to assess these elements of the proposal in relation to their impact on amenity in respect of the neighbouring dwellings or in terms of design. Overall, the proposed development is considered to be contrary to Planning Policy Wales (Edition 12) and policies GP2 and GP6 of the Newport Local Development Plan 2011-2026.

Highways and Parking

- 8.8 The proposed 3no. bedroom dwelling requires the provision of one space per bedroom and one space for visitors in accordance with the council's Parking Supplementary Planning Guidance which results in a total requirement for 4no. spaces. The proposed layout shows 2no. spaces on the proposed driveway and 1no. within the garage, the Highways Officer has advised that the space within the garage is of sufficient size to be deemed a compliant parking space. Aberthaw Road does not include any parking restrictions and is of sufficient width to accommodate on street parking, on this basis it is considered that there is sufficient capacity on street to accommodate the visitor parking requirement. The proposed development is therefore compliant with the Parking SPG and policy T4 in terms of car parking provision. Notwithstanding this, the application indicates pedestrian visibility splays that are not correctly drawn and as outlined above the driveway is not considered acceptable in its current form from an design and amenity perspective. On this basis the proposed development is contrary to policy GP4.

Ecology and Green Infrastructure

- 8.9 Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy SP9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. The site is currently vacant with only surface vegetation over a layer of hardcore. The proposal includes the provision of a number of areas of planting and a rain garden as well as the provision of 2no. bird boxes which would achieve a net gain in biodiversity. This would be secured by condition if planning permission were forthcoming. In addition, in accordance with Chapter 6 of PPW 12 the application is accompanied by a Green Infrastructure Statement. Both the Ecology and Landscape Officers have reviewed this document and advised that it is sufficient to meet the requirements of PPW12. On this basis the proposed development is considered acceptable in accordance with policy GP5.

Drainage

- 8.10 In terms of storm water, the proposed development would require SAB approval and the Landscape Officer has confirmed that the proposed rain gardens are acceptable. The

application form confirms that foul flows would be managed via the public sewer system in the vicinity of the site however no further details have been provided. The application documentation also confirms that an existing sewer runs through the centre of the site which the applicant intends to divert to the west of the property. DCWW have reviewed the application and advised that capacity exists within the public sewerage network to receive foul only flows, however further details are required in relation to the proposal for the diversion of the public sewer crossing the site. This could be dealt with via condition if planning permission were forthcoming. The applicant is also advised that an application under S185 of the Water Industry Act would also be required to divert the sewer. Subject to this, DCWW have no objections to the proposed development.

Noise

- 8.11 The Council's Environmental Health Officer has no objections to the proposal subject to conditions relating to construction hours and the submission of a Construction and Environmental Management Plan (CEMP), which are considered appropriate if planning permission were to be forthcoming.

Section 106 Planning Obligation Matters

- 8.12 In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011-2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location. In this case, section 106 planning obligations are required to mitigate the impact of the development in accordance with the table below.

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
Regeneration , Investment and Housing	Commuted contribution of £899 for affordable housing provision based on a 20% target area	N/A	Full Heads of Terms agreed	No

Heads of Terms Agreed by Applicant

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

Whilst the applicant has agreed in full to the Heads of Terms no signed legal agreement has been provided for the commuted sum contribution. This would ordinarily be dealt with by a Section 106 Legal Agreement if planning permission were forthcoming. However, Dear Chief Planning Officer letter of December 2018 advised that LPAs should consider including the lack of an obligation as a reason for refusal in order to avoid appellants seeking an award of costs on the grounds that the LPA has introduced a new reason for refusal at the appeal stage.

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 By reason of poor design the proposals would be out of keeping and unsympathetic to the appearance of the area and would result in a detrimental impact to the visual amenity of the street scene and would be contrary to the design objectives in PPW Edition 12, Policies GP2 and GP6 of the Local Development Plan for Newport 2011-2026 (Adopted January 2015) and the Council's Supplementary Planning Guidance for New Dwellings and Parking (Adopted August 2015).

10.2 By reason of its siting, scale and design, the proposed development would result in an overbearing impact and loss of light to neighbouring occupants (namely 79 Aberthaw Road) due to the proximity of a two storey wall less than 3m away from a primary/sole window serving the neighbour's living room. The proposals would be detrimental to neighbouring amenity contrary to Policies H6 and GP2 of the Local Development Plan for Newport 2011-2026 (Adopted January 2015) and the Council's Supplementary Planning Guidance for New Dwellings and Parking (Adopted August 2015).

10.3 Insufficient information has been submitted to demonstrate that suitable pedestrian visibility splays can be achieved. In the absence of information to demonstrate this the proposals would be detrimental to highway and pedestrian safety. The development is contrary to Policy GP4 of the Local Development Plan for Newport 2011-2026 (Adopted January 2015) and the Council's Supplementary Planning Guidance for Parking.

- 10.4 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 H4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

11. DECISION

REFUSED

01 By reason of poor design the proposals would be out of keeping and unsympathetic to the appearance of the area and would result in a detrimental impact to the visual amenity of the street scene and would be contrary to the design objectives in PPW Edition 12, Policies GP2 and GP6 of the Local Development Plan for Newport 2011-2026 (Adopted January 2015) and the Council's Supplementary Planning Guidance for New Dwellings and Parking (Adopted August 2015).

02 By reason of its siting, scale and design, the proposed development would result in an overbearing impact and loss of light to neighbouring occupants (namely 79 Aberthaw Road) due to the proximity of a two storey wall less than 3m away from a primary/sole window serving the neighbour's living room. The proposals would be detrimental to neighbouring amenity contrary to Policies H6 and GP2 of the Local Development Plan for Newport 2011-2026 (Adopted January 2015) and the Council's Supplementary Planning Guidance for New Dwellings and Parking (Adopted August 2015).

03 Insufficient information has been submitted to demonstrate that suitable pedestrian visibility splays can be achieved. In the absence of information to demonstrate this the proposals would be detrimental to highway and pedestrian safety. The development is contrary to Policy GP4 of the Local Development Plan for Newport 2011-2026 (Adopted January 2015) and the Council's Supplementary Planning Guidance for Parking.

04 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 H4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: 093-01 Site Location Plan, 093-02 Existing Site Plan, 093-05 Existing Site Sections, 093-03 Proposed Site Plan and Elevations, 093-04 Proposed Floor Plans, Trial Pit Report (received 21/08/2026), Green Infrastructure Statement (received 21/08/2026), Ecological Enhancement (received 21/08/2026), Drainage Statement (received 21/08/2026) and Design and Access Statement (received 21/08/2026).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP13, GP3, GP4, GP6, H4, H6, T4 and W3 were relevant to the determination of this application.

03 As of 1st October 2012 any connection to the public sewerage network (foul or surface water sewerage) for the first time will require an adoption agreement with Dwr Cymru Welsh Water. For further advice contact Dwr Cymru Welsh Water on 01443 331155.

04 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.