

APPLICATION DETAILS

No: 22/0341 **Ward:** Marshfield And Tredegar Park

Type: Outline

Expiry Date: 1st December 2022

Applicant: N Atherton

Site: The Long House Blacksmiths Way Coedkernew Newport NP10 8TR

Proposal: ***OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR THE ERECTION OF 2 NO. DETACHED DWELLINGS TO THE REAR OF THE EXISTING HOUSE (THE LONGHOUSE) WITH DOUBLE GARAGES***

Decision: **GRANTED WITH CONDITIONS SUBJECT TO A SECTION 106 LEGAL AGREEMENT WITH DELEGATED POWERS TO REFUSE PERMISSION SHOULD THE AGREEMENT NOT BE SIGNED WITHIN 4 MONTHS OF A RESOLUTION TO GRANT PERMISSION.**

1. CONSULTATIONS

- 1.1 DWR CYMRU – WELSH WATER: As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Newport City Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.
- 1.1.1 We can confirm capacity exists within the public sewerage network in order to receive the foul only flows from the proposed development site. However, we note no formal drainage strategy has been submitted with this application of which shows how foul flows will be disposed of.
- 1.1.2 Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Condition 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.
- 1.1.3 Condition: No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.
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.

2. INTERNAL COUNCIL ADVICE

- 2.1 HEAD OF ENVIRONMENT AND PUBLIC PROTECTION (ECOLOGY): This outline application is supported by a Preliminary Ecological Appraisal (PEA), and I support the methodology and conclusions of that document.
- 2.1.1 My understanding from the documents provided is that none of the trees surrounding the site are to be affected by the proposed development, and that the only tree to be removed is a small pear tree (T2). Thus being the case, I would have no concerns about impacts of the proposed scheme upon protected species which use these trees, such as bats, nesting

birds or dormice. Similarly, I accept that the 'garden' habitats on site are likely to be of low ecological value, so would not advocate further surveys.

2.1.2 I accept that the structures and part of the building which are to be removed have negligible bat roost potential, so I agree that further bat surveys are not justified on this occasion. We should attach the Bat Advisory Note to any consent granted, in order to take account of any low potential that bats may be present.

2.1.3 Any Sustainable Drainage System (SuDS) should confirm to the Statutory Standards for Wales, and one of the six standards is the protection and enhancement of biodiversity. Therefore any SuDS system should demonstrate how this has been achieved.

2.1.4 Enhancements: A statutory duty as set out in section 6 of the Environment (Wales) Act 2016 has been introduced which requires public bodies such as Newport Council to seek to maintain and enhance biodiversity, and in doing so to promote the resilience of ecosystems, in the exercise of their functions. In his letter to Heads of Planning of 23/10/19, the Chief Planner emphasised this point with the following:-

'Planning Policy Wales (PPW) 10 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers).'

2.1.5 Any application should demonstrate how this will be the case, and section 5.5 / Appendix V of the PEA make reference to this.

2.1.6 In terms of specific enhancement features, nesting or roosting opportunities for birds and bats should be incorporated into new build in accordance with the advice given in 'Designing for Biodiversity: A Technical Guide for New and Existing Buildings, Second Edition. RIBA Publishing, London. Gunnell, K. et al., 2013', or most recent subsequent edition thereof. More specific details of appropriate levels of provision of nesting/roosting opportunities are given in the TCPA's 'Biodiversity Positive: Eco-towns Biodiversity Worksheet 2009'. With these documents in mind, I would say that an appropriate level of enhancement provision across the whole of this development would be:-

- 2 x bat boxes for crevice-dwelling bats, and
- 2x Swift / Universal nest boxes.

2.1.7 The applicant's ecologist can advise on the make and model and suitable positioning of these features. Bat / bird boxes such as these are readily available commercially, are inexpensive, and can be tailored to the style and colour of the finish of the buildings. Features which are integrated into the buildings rather than attached to the outside are preferable as they are more secure in the long-term and less prone to interference by the public.

2.1.8 The implementation of these measures should be secured by planning condition along with a series of other mitigation measures set out in the PEA, for example in relation to nesting birds (5.7), Hedgehogs (5.11) and lighting (5.15 and Appendix VI).

2.2 **HEAD OF ENVIRONMENT AND PUBLIC PROTECTION (LANDSCAPE): The following should be addressed within the landscape reserved matters:** A combined soft landscape and sustainable drainage plan including all existing and proposed levels must be supplied to deliver landscape and ecological benefits to satisfy policy GP5 of the local development plan and the Environment (Wales) Act 2016. Boundary planting to the adjacent properties should be informed by and respond to an analysis of views from the neighbouring property. In addition to this SuDS planting should be included around the proposed soakaways shown in the site drainage plan. This should be designed by an appropriately qualified Landscape Architect.

2.2.1 A hard landscape plan clearly showing existing and new surfaces including details of any works to be undertaken on the existing access drive and any associated works that may impact on the adjacent woodland.

- 2.2.2 A boundary plan clearly showing existing and new boundary treatment. Fences/walls are to include hedgehog gaps, as per good practice and to support the concept of 'Hedgehog Highways'. These should be shown on boundary plans and incorporated into any Ecological Management Plans.
- 2.2.3 A soil resource plan should be provided to ensure all reusable topsoil and subsoil resources are identified, recovered, and protected as part of the development planning process. Increasingly the soil resource is seen as an important element of carbon storage although there is no LDP policy to cover this aspect. The applicant is to confirm the topsoil and subsoil specification will meet BS8601:2013 for subsoil and BS3882:2015 for topsoil, with soil supply professionally tested and recommendations implemented to ensure successful establishment of planting.
- 2.2.4 The proposal site is flanked to the south and east by semi-natural early mature woodland, listed as category B woodland within the tree report by EDP. This woodland is external to the proposal site but is critical in defining the character of the immediate landscape of between the M4 and A48 and provides key screening to the development site. The design proposals represent a substantial development of the site involving the construction of two detached dwellings within the rear garden of the Longhouse, with the arrangement of the dwellings positioned to be outside the shade path of the adjacent woodland.
- 2.2.5 Screening vegetation to the adjacent property is less significant in scale and density, being more residential in scale and character, compared to the woodland that surrounds both the development site and adjacent property. As such development would be highly visible to the neighbouring property. Views of the potential development from the residential properties opposite would likely be screened by the existing property and adjacent property and the relative positions of the proposed dwellings and the existing dwellings, though limited viewpoints may exist from the properties on the junction of Nant-Y-Moor close and Blacksmiths Way. It should also be noted that the proposed development will have a significant impact on the visual and residential amenity of Long house.
- 2.2.6 There is a contradiction between the Option 2 site plan proposal and site drainage plan, and the option 2 site plan shown in the site redevelopment strategy brochure, most notably in the absence of the SuDS detention basin to the south of the site. This is a key feature of the above ground SuDS as proposed in the redevelopment strategy and has the potential for substantial landscape-environmental benefits that would satisfy the requirements of policy GP5 of the Local Development Plan and the requirement for biodiversity enhancement within the Environment (Wales) Act 2016.
- 2.2.7 There are concerns over the proximity of the proposed access drive to the woodland trees along the eastern boundary of the site and the potential impacts development may have on their health. Reference is made to this in the ecological appraisal, with its ecological value noted. The tree constraints plan provided by EDP indicates that the root protection area of the adjacent woodland lies largely outside the development site, with the root areas extending under the access drive in some areas. The exact state of the existing driveway to the garage at the rear of the property is unclear, and as such it is unclear the extent of works necessary for the driveway and footpath and as such the level of disturbance to the rootplates.
- 2.2.8 The recommendations in the ecological appraisal regarding the opportunity for the removal of Cotoneaster and Cortaderia selloana from the site should be followed to reduce the risk of these spreading into the woodland area and degrading the quality of the woodland. The need for a wide footpath along the access drive is queried as the drive is only proposed to serve two dwellings. A shared surface with a flush curb would provide a more acceptable finish in keeping with the scale of development and the woodland context of the site.
- 2.3 HEAD OF ENVIRONMENT AND PUBLIC PROTECTION (TREE OFFICER): It is possible to have two new buildings on the plot. From email sent 2 July 2022 – the following needs to be addressed – plus the swale. However, this could all be covered by an Arb Method Statement being submitted when the detailed planning app is submitted.

- 2.3.1 *Also on the existing plan below the driveway is not shown as extending to the existing garage at the far end of the plot.
The excavation work should not compromise the tree roots to construct the proposals - how is this to be ensured?
How much boundary tree trimming is proposed if any?*
- 2.4 HEAD OF CITY SERVICES (DRAINAGE): No response.
- 2.5 HEAD OF HOUSING AND COMMUNITIES (STRATEGIC HOUSING): No response.
- 2.6 HEAD OF REGENERATION AND ECONOMIC DEVELOPMENT (PLANNING CONTRIBUTIONS): Advises of planning contributions required in accordance with policies SP13 and H4 of the Newport Local Development Plan.
- 2.7 HEAD OF ENVIRONMENT AND PUBLIC PROTECTION (ENV. HEALTH): No objections to the application in principle. However, conditions relating to foul drainage, water supply, construction hours and sound insulation are recommended.
- 2.8 HEAD OF CITY SERVICES (WASTE): No response.
- 2.9 HEAD OF CITY SERVICES (HIGHWAYS): The site is located on Blacksmiths Way which is subject to a 30mph speed limit. Access to the wider highway network is via a roundabout on the A48.
- 2.9.1 The site access must have minimum visibility splays of 2.4 x 43 metres in both directions. These appear achievable over the existing wide highway verge fronting the site.
- 2.9.2 In order to safely accommodate the additional traffic generation the site access and driveway must be widened to a minimum of 4.5 metres which would allow 2 vehicles to pass and avoid unnecessary reversing manoeuvres. For its first minimum 5.0 metre length measured back from the edge of the frontage footway the access must be surfaced in a bound material (not loose stone or gravel) and adequately drained to ensure no surface water run-off enters the highway.
- 2.9.3 It is taken that the existing and proposed dwellings have 3+ bedrooms for which at this location the Newport City Council Parking Standards SPG requires each dwelling to have 3 parking spaces. Each parking space must have minimum dimensions of 2.4 x 4.8 metres except when fronting a wall or other obstruction where the length must be increased to 5.5 metres. A double garage must have minimum internal dimensions of 6.0 x 5.4 metres in order to count as parking.
- 2.9.4 On site turning for each dwelling must be provided to prevent the necessity of over long reversing manoeuvres. Any shared turning areas must be clearly defined as such.
- 2.9.5 Consideration must be given to refuse collection to ensure there would be no excessive bin walks.
- 2.9.6 Given this is an outline application with all matters reserved and the above highway requirements are achievable I would offer no objection to this application on highway grounds.
- 3. REPRESENTATIONS**
- 3.1 NEIGHBOURS: All neighbours sharing a common boundary with the application site were consulted (2 properties) and a site notice was posted. No responses.
- 3.2 COEDKERNEW COMMUNITY COUNCIL: No response.
- 4. RELEVANT SITE HISTORY**
- 4.1 None relevant.
- 5. ASSESSMENT**

- 5.1 This application seeks outline planning permission for the sub-division of the rear garden of The Longhouse, Blacksmiths Way and the construction of two detached dwellings with double garages. All matters are reserved.
- 5.2 The application site is located in the Marshfield ward and is within the settlement boundary. The Longhouse is a detached house set within a substantial plot. The garden extends around 53m to the rear and is around 30m wide. There is an existing access onto Blacksmiths Way, which leads to a detached garage within the rear garden. There are neighbouring properties to the north east, which have similarly long rear gardens. To the south and west the site is bounded by mature woodland.
- 5.3 **The proposals**
- 5.3.1 The proposed dwellings would be sited within the rear garden of The Longhouse. As the application is for outline permission, the precise details regarding the access, appearance, layout, scale and landscaping are not being considered. However, the applicant is required to provide an indicative access, layout and scale parameters, which include an indication of the upper and lower limits for height, width and length of the building.
- 5.3.2 The application includes an indicative layout plan which shows the proposed dwellings in the garden. The first dwelling (unit 1) would be around 10.5m from the rear elevation of The Longhouse and the second (unit 2) further south of this dwelling. The dwellings are indicated to be two storey, with attached double garage and hardstanding in front. The submitted plan indicates that unit 1 would be up to 9m (w) x 9.2 (l) and unit 2 would be up to 12.5m (w) x 9.7m (l), this unit would incorporate a single storey link to the double garage. Each dwelling would have a garden to its rear, and side in the case of unit 2. Access is indicated by utilising the existing access from Blacksmith Way, which currently runs to the rear of the site.
- 5.4 **Policy context**
- 5.4.1 Policies SP1 (Sustainability), SP9 (Conservation of the Natural, Historic and Built Environment), SP13 (Planning Obligations), GP2 (General Development Principles – General Amenity), GP3 (Service Infrastructure), GP4 (General Development Principles – Highways and Accessibility), GP5 (Natural Environment), GP6 (General Development Principles – Quality of Design), H4 (Affordable Housing), H6 (Sub-division of Curtilages, Infill and Backland Development), T4 (Parking) and W3 (Provision for Waste Management Facilities in Development) of the Newport Local Development Plan 2011-2026 are relevant to the determination of this application.
- 5.4.2 The following Supplementary Planning Guidance are also relevant:
- New dwellings
 - Parking Standards
 - Planning Obligations
 - Affordable Housing
 - Sustainable Travel
 - Wildlife and Development
 - Waste Storage and Collection
 - Trees, Woodland, Hedgerows and Development Sites
- 5.5 **Residential amenity**
- 5.5.1 The aims of policies GP2, H6 and the New Dwellings SPG are to:
- Ensure that occupiers of new dwellings have reasonable living conditions;
 - Ensure that new dwellings do not deprive persons in existing dwellings of reasonable living conditions; and
 - Protect the character and appearance of the natural and built environment.
- 5.5.2 New dwellings should provide adequate private outdoor amenity space for future occupiers. The majority of this space should be located to the rear of the dwelling. The SPG states that detached dwelling of 2 beds or more should provide 1 square metre for every square metre of the unit's footprint. Whilst the scale parameters of the proposed dwellings are indicative, the submitted layout plan demonstrates that this standard could be achieved.

- 5.5.3 The indicative layout also shows that adequate outdoor space would be left for the host dwelling however, there could be a close relationship between unit 1 and the rear garden of the host dwelling. The layout plan shows that there would be 10.5m between the rear elevation of The Longhouse and the side elevation of unit 1, and the side elevation would be very close to the shared boundary. This has potential to cause an overbearing impact upon the host dwelling and its private garden. It is considered that there could be options to mitigate this impact, such as repositioning the garage so that it sits in the closer position with The Longhouse and the proposed dwelling is positioned further away. A reduction in the height of the dwelling, so that first floor accommodation is within the roof space could also reduce the overall bulk and massing of the dwelling. It is considered that these matters could be appropriately managed with any future reserved matters submission.
- 5.5.4 To ensure all residents have sufficient privacy in their homes, suitable separation distances must exist between protected windows in existing and the proposed dwellings. Protected windows which face each other should be at least 21m apart. The indicative layout indicates that this standard could be achieved. The closest relationship is between unit 1 and the host dwelling, with the side elevation of unit 1 facing towards the rear elevation of the host dwelling. The host dwelling has habitable room windows in the rear elevation however, it would be possible to control windows in the side elevation of unit 1 to ensure privacy in both the host dwelling and its garden are maintained.
- 5.5.5 The New Dwellings SPG recommends that rear gardens should extend at least 10m in order to prevent overlooking or perceived overlooking and overbearing effects on neighbouring gardens. Both dwellings would achieve this standard and overall it is considered that the proposed dwellings could be suitably positioned and orientated to ensure there would be no loss of privacy, perceived overlooking or overbearing effects on the neighbouring properties.
- 5.5.6 To ensure privacy is maintained between the proposed dwellings and the host dwelling and neighbouring properties a condition is imposed requiring details of boundary treatments to be submitted with a reserved matters application.
- 5.5.7 The proposal would involve an intensified use of the drive, which runs alongside the host dwelling. Increased vehicular movements in proximity to a dwelling have potential to cause noise and disturbance. In this case it is considered that with the use of appropriate boundary treatments and landscaping the impact could be mitigated and would not be of an intensity that would be significantly harmful to residential amenity.
- 5.5.8 Overall, it is considered that the application has demonstrated that dwellings in these indicative positions, with these indicative scale parameters would not result in a harmful impact on neighbouring amenity; and it would provide adequate amenity to future occupiers. The precise scale, layout and appearance of the dwellings would be assessed further at reserved matters stage.
- 5.6 **Highway safety and sustainable travel**
- 5.6.1 Indicatively it is proposed to utilise the existing access onto Blacksmiths Way. The Councils Highways Officer considers that adequate visibility would be possible from this access, this is due to the large grass verges which are to the front of the property and which run along Blacksmiths Way. These are part of the adopted highway and therefore visibility splays would not rely on third party land.
- 5.6.2 The Highways Officer comments that the driveway must achieve a minimum of 4.5m in width in order to safely accommodate the additional traffic generation. This is indicated to be the case on the submitted layout plan. For its first minimum 5.0 metre length the access must be surfaced in a bound material and adequately drained to ensure no surface water run-off enters the highway. This can be controlled through at reserved matters stage or through a condition.
- 5.6.3 The application site is within Parking Zone 5. The Parking Standards SPG requires 1 parking space per bedroom (maximum 3 spaces). The number of bedrooms has not been indicated however, the layout plan shows a double garage and one other parking space for each dwelling. Providing the garages can achieve the required minimum internal

dimensions, which can be secured at reserved matters stage, the level of parking provision is considered acceptable.

5.6.4 The Highways Officer also notes that on site turning for each dwelling must be provided. This is indicated on the submitted layout plan.

5.6.5 The Sustainable Travel SPG requires 1 cycle space to be provided for each dwelling. It is considered that there is sufficient space within the development for these to be provided.

5.7 **Design**

5.7.1 Whilst design/appearance is a matter reserved for future consideration, the principle of dwellings in this location and their general impact on the street scene is a consideration. The proposed dwellings would be sited directly behind The Longhouse and there would be limited views from Blacksmiths Way. Notwithstanding this, The Longhouse is a characterful property and the area has a semi-rural appearance, with properties generally set within spacious plots. It is considered that the layout indicates that the proposed dwellings would generally follow this pattern of development, with large rear gardens. The Longhouse also has a lower profile than more traditional two storey dwellings and its first floor accommodation is provided in the roof space. It is considered that the proposed dwellings should follow this design to prevent ridgelines appearing above the roof line of the existing dwelling, which could appear out of character. This can be secured through the reserved matters stage.

5.8 **Ecology and protected species**

5.8.1 A Preliminary Ecological Appraisal has been submitted with the application. The Councils Ecology Officer is satisfied with the methodology and conclusions of that appraisal. They note that the adjacent trees would not be affected by the proposals and as such there would be no impacts on protected species which use these trees. They are also satisfied that any buildings which would be removed as part of the development have negligible bat roost potential, although a bat advisory note should be attached as an informative to be precautionary.

5.8.2 Local Authorities have a statutory duty to seek to maintain and enhance biodiversity. The PEA acknowledges this and makes recommendations to provide integrated bat boxes. The implementation of these measures can be secured by conditions.

5.8.3 The Ecology Officer makes comments about sustainable drainage however, this is a separate consenting process to planning and it is the responsibility of the applicant to ensure both consents are aligned.

5.9 **Landscape and trees**

5.9.1 The Councils Landscape Officer has provided detailed comments, which are set out in section 2.2. As landscaping is a reserved matter it is considered that those comments can be addressed as part of a future application, which will be required to provide detailed landscaping proposals. As set out in paragraph 5.8.3 it is the responsibility of the applicant to ensure landscape and drainage proposals are aligned.

5.9.2 In terms of trees, there is mature woodland to the west and south of the site. It is not protected by a TPO. An Arboricultural Impact Assessment has been submitted along with a topographical survey. The Councils Tree Officer is satisfied that the site can accommodate the indicative development but recommends that an Arboricultural Method Statement is secured through a condition. The Statement should include details of any works which require excavation (including drainage works), the extent of driveway works and any boundary trimming.

5.10 **Waste and recycling**

5.10.1 While the Councils Waste Officer has not commented on the application it is anticipated that the proposed dwellings would be served by standard kerbside collection and the dwellings would require standard refuse bin and recycling boxes. It is considered that there would be sufficient space within the site to store the bins and boxes. These would need to be presented kerbside for collection and it is recognised that this would involve travelling a maximum distance of around 70m from unit 2. There are no prescribed acceptable

distances to travel to present waste collection and it is noted that the site is flat. It is considered that future occupiers would need to make their own judgement as to whether this would be a manageable distance to travel with bins.

5.11 Noise

5.11.1 A noise assessment has been submitted with the application. The primary source of noise is road traffic noise and the assessment shows that noise levels would fall above the trigger for sound insulation measures set out in the Councils standard noise conditions. The assessment notes that the layout is indicative and a detailed assessment of noise and mitigation measures should be carried out at reserved matters stage. Nevertheless standard noise mitigation measures should be capable of meeting the standard noise condition requirements. The Councils Environmental Health Officer has no objection to the proposals and does not comment on the noise assessment however, given the findings of the assessment it is considered necessary to impose the standard noise conditions in respect of internal and external noise mitigation.

5.12 Other matters

5.12.1 The Councils Environmental Health Officer has no objection to the proposals but recommends that conditions relating to foul drainage, water supply, construction hours and sound insulation are imposed.

5.12.2 As no details of foul drainage are provided a condition is imposed. Welsh Water has not raised any concerns regarding water supply and as such this condition is considered unnecessary. The Environmental Health Officer has not raised any concerns regarding external noise and their recommended condition relates to internal noise insulation which is regulated by Building Regulations, this condition would duplicate other legislation and is considered unnecessary. The Officer seeks to control the hours of construction and it is considered necessary to control construction works in general to prevent nuisance to neighbouring properties and harmful impacts to highway safety. A condition requiring a Construction Environmental Management Plan is imposed.

5.13 Section 106 Planning Obligation matters

5.13.1 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	To provide on site affordable housing	A commuted sum of £6,424 in accordance with policy H4 of LDP and the formulae in the adopted Affordable Housing SPG.	£6,424	No

5.13.2 The applicant has agreed to the above heads of terms.

6. OTHER CONSIDERATIONS

6.1 *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.

6.2 *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.

- 6.3 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.

- 6.4 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.

6.5 ***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.

6.6 ***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.

7. **CONCLUSION**

- 7.1 The proposed development is considered to be acceptable and in accordance with policies SP1, SP9, SP13, GP2, GP3, GP4, GP5, GP6, H4, H6, T4 and W3 of Newport Local Development Plan. The indicative layout and scale parameters demonstrate that the proposed development would not have a harmful impact on existing or future residential amenity, ecology, trees or highways safety. Furthermore, the proposal is considered to represent sustainable development by delivering financial contributions towards affordable housing. Planning permission is granted with conditions and subject to the signing of a legal agreement.

8. **DECISION**

GRANTED WITH CONDITIONS SUBJECT TO A SECTION 106 LEGAL AGREEMENT WITH DELEGATED POWERS TO REFUSE PERMISSION SHOULD THE AGREEMENT NOT BE SIGNED WITHIN 4 MONTHS OF A RESOLUTION TO GRANT PERMISSION.

01 The development shall be implemented in accordance with the following plans and documents: JT2001.01, JT2001.08, JT2001.100, NA3856-01 (Topographical survey), Arboricultural Impact Assessment (EDP Ltd, October 2021), Environmental Noise Assessment (Hunter Acoustics, September 2021) and Preliminary Ecological Appraisal (Soltysbrewster, October 2021).

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

Pre- commencement conditions

02 Approval of the details of the layout, scale, appearance of the building(s), access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority.

Reason: To safeguard the rights of control of the Local Planning Authority in respect of the reserved matters and to comply with the provisions of Article 3(1) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

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

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

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

The development shall be carried out in accordance with the approved Construction Environmental Management Plan at all times.

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

04 In pursuance of any reserved matters application, cross sectional details and slab level information shall be submitted to demonstrate:

- The visual impact of development on the surrounding area
- The relationship of proposed dwellings with each other and
- The relationship of proposed dwellings with the host and neighbouring dwelling situated on the periphery of the site.

Reason: In the interests of the visual amenities of the area and the amenities of existing and proposed residential occupiers having regard to the topography of the site, in accordance with policies GP2 and GP6.

05 No operations of any description, (this includes all forms of development, tree felling, tree pruning, temporary construction access, soil moving and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection within the development, until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall contain full details of the following:

- (a) Excavation works (including drainage works)
- (b) The extent of driveway works
- (c) Construction exclusion zones
- (d) Protective barrier fencing
- (e) Ground protection
- (f) Service positions
- (g) Special engineering requirements including 'no dig construction'
- (h) Access facilitation pruning and boundary trimming
- (i) Landscaping;
- (j) Name, qualifications and contact details of the Arboricultural Contractor(s) and/or Consultant(s) who will be implementing the above are to be supplied to the Councils Tree Officer.

The development shall be carried out in full compliance with the Arboricultural Method Statement.

Reason: To protect important landscape features neighbouring the site, in accordance with policy GP5.

06 No development, other than demolition, shall commence until full details of the foul water drainage system has been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented fully in accordance with the approved scheme prior to the occupation of any dwelling.

Reason: To ensure adequate drainage is provided, in accordance with policy GP3.

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

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

08 Pursuant to the approval of the reserved matters, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to road traffic noise in excess of 55 dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 45 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

Reason: To ensure that the amenities of future occupiers are protected, in accordance with policies GP2 and GP7.

09 Pursuant to the approval of the reserved matters, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that the maximum day time noise level in outdoor living areas exposed to road traffic noise shall not exceed 50 dBA Leq 16 hour [free field]. The scheme of noise mitigation as approved shall be constructed in its entirety prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity.

Reason: To ensure that the amenities of future occupiers are protected, in accordance with policies GP2 and GP7.

10 Pursuant to the approval of the reserved matters, a scheme of ecological mitigation and enhancement shall be submitted to and approved in writing by the Local Planning Authority. The approved ecological mitigation and enhancement shall be implemented prior to the occupation of the development and retained thereafter.

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

General conditions

11 The landscaping scheme referred to in reserved matters shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of the development. Thereafter, the trees and shrubs shall be adequately maintained for a period of 5 years from the date of planting and any which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition a full planting season shall mean the period from October to April.

Reason: To secure the satisfactory implementation of the proposal, in accordance with policies GP5.

12 The reserved matters referred to in Condition 2 shall include details of off-street parking. The parking shall be provided in accordance with the approved details prior to first occupation of any development and thereafter maintained as such.

Reason: In the interests of highway safety, in accordance with policies GP4 and T4.

13 Any garages or parking spaces associated with residential uses on the site shall be used for the parking of domestic vehicles only and for no other purposes including, in the case of the garages, additional living accommodation.

Reason: To ensure the retention of adequate parking in the interest of highway safety, in accordance with policies GP4 and T4.

14 The development shall take place in accordance with the mitigation measures set out in section 5.7 (demolition outside of the bird nesting season), 5.11 (gaps at the bottom of fencing), 5.15 (light spillage) and Appendix V (technical lighting note) of the Preliminary Ecological Appraisal (Soltysbrewster, October 2021).

Reason: To protect ecological interests and protected species, in accordance with policies SP9 and GP5 of the Newport Local Development Plan.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, SP13, GP2, GP3, GP4, GP5, GP6, H4, H6, T4 and W3 were relevant to the determination of this application.

02 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

03 Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are roosting, Natural Resources Wales (NRW) must be contacted for advice.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary.

Where bats or their roosts are present, no works of site clearance, demolition or construction should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result in a fine and/or imprisonment.

NRW can be contacted at:-

Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Newport CF24 0TP, 0300 065 3000

Bat Conservation Trust can be contacted at:-

5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845 1300228
