

Delegated Decision Report

Application No:	25/0416	Statutory Period Expires:	24th July 2025
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Site:	13 Car Park At Rear Clytha Park Road Newport NP20 4PB		
Proposal:	PROPOSED MODIFICATION AND PART RETENTION OF BOUNDARY TREATMENTS TO EXISTING CAR PARK		
Applicant:	N Hennah		
Type:	Full	Ward:	Allt-yr-Yn
Decision:	REFUSED		

1. BACKGROUND

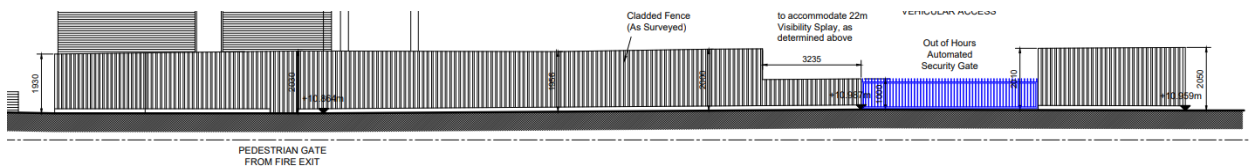
1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is a prominent corner property bordering Clytha Park Road and Llanthwy Road. The front elevation of the host site faces onto Clytha Park Road and the access to the rear car park is situated on Llanthwy Road. The site is surrounded by mixed uses and Newport Crown Court is situated within close proximity to the site to the North West.

3. DESCRIPTION OF DEVELOPMENT

3.1 The application seeks to retain the boundary treatment erected along the North West Boundary, and reduce part of the boundary treatment at the existing access point to the rear car park. The current boundary treatment is boarded fencing at a height of approximately 2m. The total length of development is approximately 37m. The proposed changes include to lower part of the boundary fence to the North of the existing access to 1m for a width of 3.2m. There is also a proposed 1m out of hours security gate across the existing access.



4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
12/0935	RETENTION OF ADVERTISEMENT BANNER	R	08/11/2012

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 GP2 (General Amenity)

Policy GP4 (Highways and Accessibility)

Policy GP5 (Natural Environment)

Policy GP6 (Quality of Design)

6. CONSULTATION RESPONSES

6.1 Landscape: No comments.

6.2 Local Highways Authority:

Following receipt of an additional plan, it is clear that our concerns were correct. There is no pedestrian visibility to either side of the gate at 600mm. It should be a 2m by 2m splay on both sides. This is the main safety concern. The applicant should note that vehicular visibility requirement is 2.4x25m at 1.05 height to the nearside in both directions. (not what is shown on the submitted plan). Gates will not be supported at back of highway as they add further risks for pedestrians and drivers.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 03/06/2025.

7.1 NEIGHBOURS: 20no. neighbours were consulted. No comments received.

8. ASSESSMENT

8.1 Principle of Development

8.1.1 The application site is within the defined settlement boundary as shown on the proposals map that accompany the Newport City Council Local Development Plan, accordingly there is a presumption in favour of development and the efficient use of land is encouraged. A full assessment is carried out below.

8.2 Visual Amenity/ Character and Appearance

- 8.2.1 The application site is situated on a prominent corner and therefore, highly visible from the streetscene. A 2m fence has been erected along the boundary leaving the existing access point open. Photos of before and after can be seen below:

Before:



After:



- 8.2.2 The applicant has suggested that the fence has been erected because Hennah Haywood Law is a regulated legal practice with a significant footprint in both the public and private sectors. Their office has unfortunately been the subject of multiple burglaries and attempted break-ins, presenting not only a threat to property but a serious risk to the sensitive and confidential information held on site. In response to the ongoing threat to staff, their clients' data, and HHL infrastructure, they were compelled to enhance the physical security of the premises by installing the current perimeter fence. This measure was introduced alongside a comprehensive CCTV surveillance system and an intruder alarm with a direct link to the police.
- 8.2.3 When assessing the design, it is noted that the fence appears as a stark appearance adjacent to the highway. The surrounding buildings and boundary treatments typically contain hedging and brick walls with piers, creating a pleasant amenity to the area. The addition of the long, dominant fence in this location is prominent and out of keeping with the streetscene. Therefore, it is considered that the fence in this location is unacceptable.
- 8.2.4 In terms of the proposed design, it is noted that the fence is proposed to lower part of the boundary fence to the North of the existing access to 1m for a width of 3.2m. There is also a 1m out of hours security gate across the existing access proposed. The reduction in part of the fence to 1m would chop into the existing fence and make it appear awkward in the streetscene. Whilst this fence has been reduced to try and meet visibility splay requirements (discussed below), this alteration does not provide good visual amenity into the streetscene and therefore, unacceptable.

8.3 **Movement**

- 8.3.1 In terms of movement, it is considered that highways were consulted on the application. The highways officer concludes that there is no pedestrian visibility to either side of the gate at 600mm. It should be a 2m by 2m splay on both sides. This is the main safety concern for pedestrian users which is unacceptable. Whilst it is considered that part of the fence has been reduced around the access, further reduction in the fence on both sides of the access would further exacerbate the awkward appearance of the fence and would not be deemed acceptable.
- 8.3.2 The highways officer also suggests that vehicular visibility requirement is 2.4x25m at 1.05 height to the nearside in both directions. This has not been achieved due to the fence height, particularly to the South West up Llanthwy Road creating a safety hazard to road and pedestrian users. Furthermore, as forementioned, the further reduction in fence to a lowered height would appear awkward and a disjointed design.
- 8.3.3 Finally, highways have suggested that gates will not be supported at the back of highway as they add further risks for pedestrians and drivers. Therefore, this element of the design is also unacceptable.

8.4 **Biodiversity**

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 GP5 of the NLDP supports this and states that proposals will be expected to maintain, protect, and enhance ecological networks and features of importance for biodiversity. No ecological enhancements are proposed as part of the development. As such the proposal is currently not compliant with the aims of Policy GP5 of the NLDP 2011-2026 (adopted January 2015), however, this can be reasonably conditioned.

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 development as existing and the proposed alterations would appear as a poor, dominating design, and would not meet the visibility splay requirements to the detriment of pedestrian and road users. Therefore, the application is refused.

11. DECISION

REFUSED

01 The development would have a significant adverse effect on interests of acknowledged importance, namely visual amenity of the street scene, by reason of the design, location and extent of fencing. The proposed changes appear awkward and not in keeping with the streetscene. The development will be dominant and incongruous to the detriment of the appearance of the area. The proposal is contrary to Policy GP2 and GP6 of the Local Development Plan for Newport 2011-2026 (Adopted January 2015).

02 The development would have a significant adverse effect on interests of acknowledged importance namely, highway safety by reason of impact upon visibility for drivers exiting the driveway of the host property and pedestrian users. This is contrary to Policy GP4 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: MSP 6100.03.- Proposed Site Layout; MSP 6100.04.- Existing Boundary Treatments - Elevations.; MSP 6100.05.- Proposed Boundary Treatments - Elevations.; MSP 6100.02.- Existing Site Layout.; MSP 6100.01.- Location and Block Plan; Planning Statement

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP5, GP6 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.