

Newport City Council

Supplementary Planning Guidance

NEW DWELLINGS



January 2020



Mae'r ddogfen hon ar gael yn Gymraeg, gyda fformatau eraill ar gael ar gais /

This document is available in Welsh, with other formats available on request.

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1.0 INTRODUCTION

1.1 What is supplementary planning guidance (SPG)?

1.1.1 Published as an addition to the Newport Local Development Plan 2011 – 2026 (Adopted Plan, January 2015), supplementary planning guidance provides clear, in-depth advice on a range of planning and development issues. Before it can be adopted, it has to undergo a period of public consultation and then receive the council's approval. Once adopted, it constitutes a material consideration in the determination of relevant planning applications.

1.2 What is the history of the New Dwellings SPG?

1.2.1 This SPG was formally adopted on 06 August 2015. It has been updated in 2020 to add clarification on points raised in the ongoing use of the guidance.

1.3 Which types of new dwellings does this SPG cover?

1.3.1 This SPG applies to the following:

- i) Infill and backland development (single *and* multiple houses);
- ii) New residential estates; and
- iii) Blocks of flats.

1.4 What is the purpose of this SPG?

1.4.1 This SPG has three main functions:

- i) To ensure that occupants of new dwellings have reasonable living conditions;
- ii) To ensure that new dwellings do not deprive persons in existing dwellings of reasonable living conditions; and

iii) To protect the character and appearance of the natural and built environments.

1.5 Further advice

1.5.1 Further advice may be sought from:

Development Management, Newport City Council, Civic Office, Godfrey Road,
Newport NP20 4UR.

email: planning@newport.gov.uk

Duty Planning Officer: 01633 656656

2.0 TERMINOLOGY

2.1 Backland development

2.1.1 Development on land behind an existing building (or buildings).

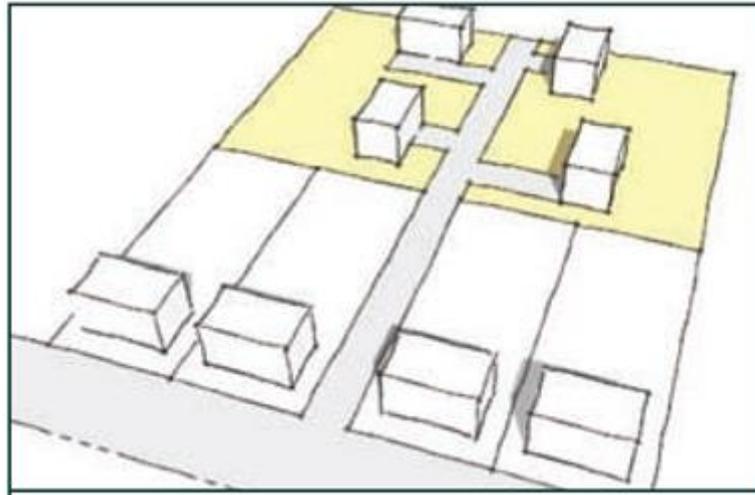


Figure 1: Backland development

2.2 Curtilage

2.2.1 The land that surrounds and serves the main building within a property's boundaries.

2.3 Dwelling

2.3.1 For the purposes of this guidance, both flats and houses are defined as dwellings.

2.4 Habitable room

2.4.1 Any room used or intended to be used for sleeping, living, cooking or eating purposes. Enclosed spaces, such as bath or toilet facilities, service rooms, corridors, laundries, hallways and utility rooms, are excluded from this definition.

2.5 Infill development

2.5.1 The erection of a building between existing buildings or their curtilages.

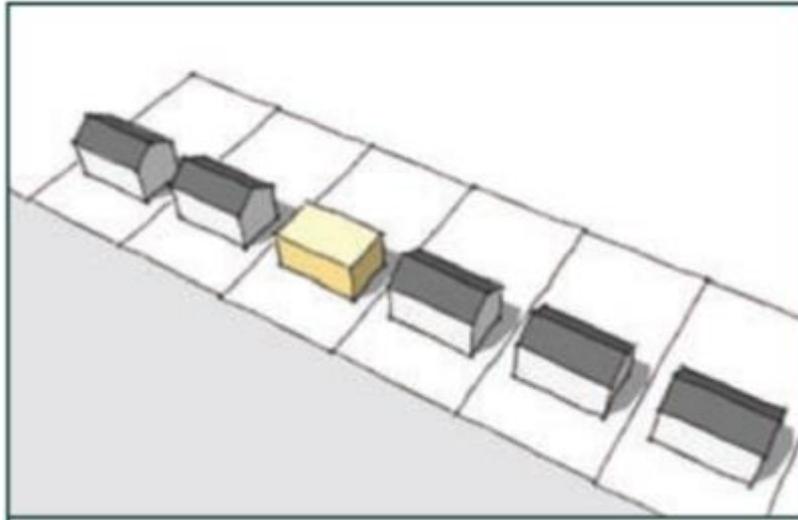


Figure 2: Infill development

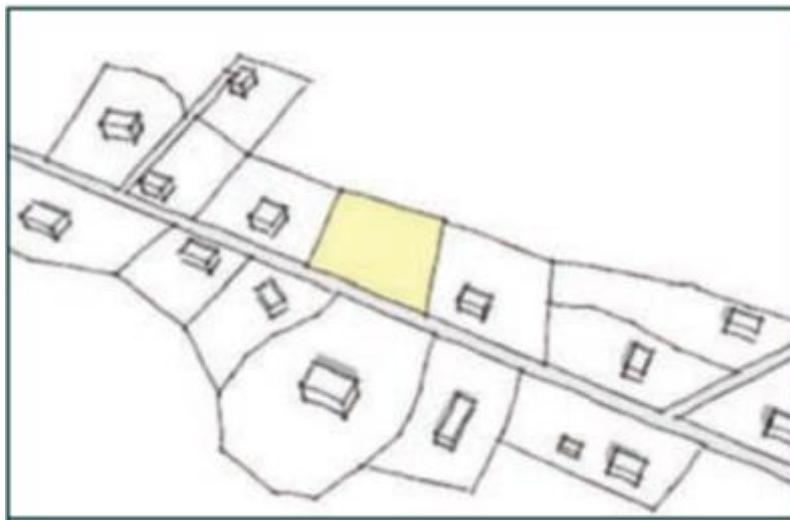


Figure 3: Infill development in a village context

2.6 Perceived space

2.6.1 The sense of living in a reasonably open environment.

2.6.2 Unreasonably conspicuous (or “overbearing”) development can create a sense of confinement not only in neighbours’ homes and gardens, but also in public spaces. A development may be unreasonably conspicuous on account of its size, massing, location, proximity to a boundary, et cetera.

2.7 Protected window

2.7.1 An opening (that is, a door or a window) that serves a habitable room in a dwelling.

Note:

A house with a rear extension such as a conservatory whereby it is predominantly glazed, may retain a door or a window in its original rear elevation. If such an extension has an opaque roof (i.e. does not let light through), the Council will treat the rearmost opening (that is, the door or window in the extension) as the protected window. If, however, the conservatory has a transparent roof that does not significantly prejudice light to original openings, the Council may decide to treat these original rear openings as the protected windows

2.8 Subdivision of a curtilage

2.8.1 The creation of a new curtilage within an existing one.

2.9 Tandem development

2.9.1 A form of backland development that places a new dwelling directly behind an existing one, necessitating a shared vehicular access.



Figure 4: Tandem development

Note:

These terms are provided only for the purposes of this supplementary planning guidance. In no way do they alter or supersede similar terms in planning legislation or national policy documents.

3.0 POLICY & LEGISLATION CONTEXT

3.1 Legislation

3.1.1 **The Planning (Wales) Act (2015)** enables the creation of an efficient planning process that ensures the right development is located in the right place. This is done through adherence with the Well-being of future generations Acts (see below) to ensure that we plan and manage our resources in an engaged and sustainable way. There is greater emphasis on development engagement at the pre-application stage. This approach will help ensure issues such as design and amenity are considered at the earliest stage.

3.1.2 **The Well-being of Future Generations (Wales) Act (2015)** is about improving the social, economic and cultural well-being of Wales. The Act ensure that local authorities deliver sustainable development by considering long term effects as well as encouraging a more joined up approach. The Well-being of Future Generations Act put in place seven well-being goals to help ensure that public bodies are all working towards the same vision of a sustainable Wales.

3.2 National Policy

3.2.1 *Planning Policy Wales (Edition 10, December 2018)*

This document sets out the land-use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs). Procedural advice is given in circulars and policy clarification letters.

3.2.2 An overarching objective of PPW is the need for planning to take an active and positive role in placemaking¹. This approach is even to be taken at the householder scale,

¹ The definition of placemaking here is ‘a holistic approach to the planning and design of development and spaces, focused on positive outcomes. It draws upon an area’s potential to create high quality development and public spaces that promote people’s prosperity, health, happiness, and well being in the widest sense. Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place. Placemaking should not add additional cost to a development, but will require smart, multi-dimensional and innovative thinking to implement and should be considered at the earliest possible stage. Placemaking adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into planning decisions.

paragraph 2.7 states; Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people.

3.2.3 Paragraphs 1.1.8 & 1.1.9 also states:

It is not the function of the planning system to interfere with or inhibit competition between users of and investors in land. It should not discriminate against or favour any particular group or members of society. In taking planning decisions the planning authority must clearly state the reasons for the decision. Those proposing development also have a responsibility to provide sufficient information to enable the decision maker to make an informed judgement on whether the proposed development is sustainable (i.e. contributes to social, economic, environmental and cultural well-being).

3.2.4 National Planning Policy notes that good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area.

3.2.5 In seeking to achieve good design developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution.

3.2.6 In addition, the density, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development. 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.

3.2.7 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities

for people to make sustainable and healthy travel choices for their daily journeys. Site and context analysis should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment. The analysis process will highlight constraints and opportunities presented by existing settlement structure and uses, landscape, biodiversity, water environment, movement, infrastructure, materials and resources, soundscape and built form which will need to be considered when formulating proposals.

3.2.8 It is also useful to note that infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity.

3.1.9 *Technical Advice Note 12: Design (July 2014)*

Paragraph 2.2 states the following:

“The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales — from householder extensions to new mixed use communities.”

3.2.10 *Technical Advice Note 15: Development and Flood Risk (2004)*

This document establishes a precautionary framework for assessing development proposals in flood-prone areas. In certain circumstances, developers may have to submit Flood Consequence Assessments in an attempt to justify their proposals. In especially vulnerable locations, however, even the principle of residential development is unlikely to be acceptable.

3.3 Local policy

3.3.1 *Newport Local Development Plan 2011 – 2026 (Adopted Plan, January 2015)*

Policy CF2 (Outdoor Play Space Requirements) states the following:

“Where development results in the loss of open space or a requirement for open space is demonstrated in conjunction with Policy SP13, provision in accordance with the Fields in Trust standard (or as amended) will be sought. The developer will be required to pay a commuted sum to cover future maintenance.”

3.3.3 Policy GP2 (General Amenity) states the following:

“Development will be permitted where, as applicable:

- i. There will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality;
- ii. The proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;
- iii. The proposal seeks to design out the opportunity for crime and antisocial behaviour;
- iv. The proposal promotes inclusive design both for the built development and access within and around the development;
- v. Adequate amenity for future occupiers.”

3.3.4 Policy H2 (Housing Standards) states the following:

“Residential development should be built to high standards of environmental and sustainable design, taking into account the whole life of the dwelling.”

Excerpt of supporting text:

“Residential development of all types, whether new development, redevelopment, conversions, extensions or changes of use, should be carried out in as sustainable way as possible, to reduce the impact on the environment both of the construction and subsequent use of the dwelling.”

3.3.5 Policy H3 (Housing Mix and Density) states the following:

“Residential development of 10 dwellings or more should be designed to provide a mix of housing to meet a range of needs and should be built at a density of at least 30 dwellings per hectare. A lower density will only be acceptable where it is demonstrated:

- i. Physical or infrastructure constraints prevent the minimum density from being reached;
- ii. The minimum density would have an unacceptable impact on design/character of the surrounding area, or;
- iii. There is a particular lack of choice of housing types within a local community.”

3.3.6 Policy H6 (Sub-division of Curtilages, Infill and Backland Development) states the following:

“The sub-division of residential curtilages, infill within existing residential areas, and the development of backland to existing residential properties will only be permitted where this does not represent an overdevelopment of land.”

3.3.7 Policy SP1 (Sustainability) states the following:

“Proposals will be required to make a positive contribution to sustainable development by concentrating development in sustainable locations on brownfield land within the settlement boundary. They will be assessed as to their potential contribution to:

- i. The efficient use of land;
- ii. The reuse of previously developed land and empty properties in preference to greenfield sites;
- iii. Providing integrated transportation systems, as well as encouraging the co-location of housing and other uses, including employment, which together will minimise the overall need to travel, reduce car usage and encourage a modal shift to more sustainable modes of transport;

- iv. Reducing energy consumption, increasing energy efficiency and the use of low and zero carbon energy sources;
- v. The minimisation, re-use and recycling of waste;
- vi. Minimising the risk of and from flood risk, sea level rise and the impact of climate change;
- vii. Improving facilities, services and overall social and environmental equality of existing and future communities;
- viii. Encouraging economic diversification and in particular improving the vitality and viability of the city centre and district centres;
- ix. Conserving, enhancing and linking green infrastructure, protecting and enhancing the built and natural environment;
- x. Conserving and ensuring the efficient use of resources such as water and minerals.”

3.3.8 Policy SP3 (Flood Risk) states the following:

“Newport’s coastal and riverside location necessitates that development be directed away from areas where flood risk is identified as a constraint and ensure that the risk of flooding is not increased elsewhere. Development will only be permitted in flood risk areas in accordance with national guidance. Where appropriate a detailed technical assessment will be required to ensure that the development is designed to cope with the threat and consequences of flooding over its lifetime. Sustainable solutions to manage flood risk should be prioritised.”

3.3.9 Policy SP13 (Planning Obligations) states the following:

“Development will be required to help deliver more sustainable communities by providing, or making contributions towards, local and regional infrastructure in proportion to its scale and the sustainability of its location.

This list is not exhaustive, but the following are infrastructure priorities that developers will be expected to provide or contribute to in order to mitigate any negative consequences of development:

- Educational facilities and/or their upgrades;
- Affordable housing;
- Improvements to the highway network, including walking and cycling routes and public transport;
- Outdoor recreation;
- Protection, enhancement and management of the natural, historic and built environments;
- Community facilities and/or their upgrades; and
- Improvements to the public realm.”

4.0 GENERAL PRINCIPLES AND CONSIDERATIONS

4.1 Objectives

4.1.1 The council seeks to secure high-quality development that preserves, or even enhances, residential amenity and the character and appearance of the surrounding area. It will assess proposals against clear design principles in order to prevent cramped and unsightly forms of development.

4.2 Site assembly

4.2.1 It is sometimes possible to assemble land for residential development by merging sections of existing curtilages. Such an arrangement would have to provide acceptable separation distances between dwellings and protected windows (see 5.7.5) in order to receive planning permission.

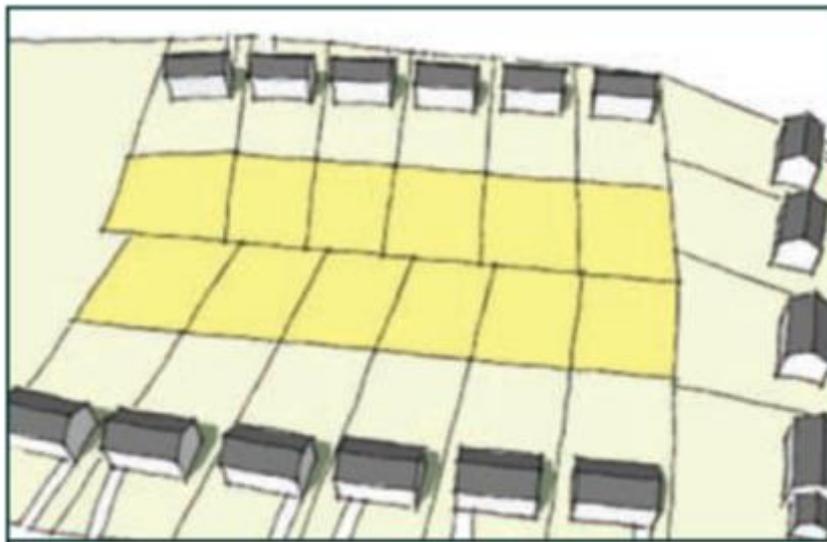


Figure 5: Assembling a site from surrounding gardens

4.3 Development in conservation areas

4.3.1 When assessing a development proposal in a conservation area, the council has a duty to pay special attention to the “desirability of preserving or enhancing the character and appearance of [a conservation] area” (Section 72 of the Planning (Listed Buildings and

Conservation Areas) Act 1990). In every submission, therefore, the applicant must indicate precisely how the proposed development would appear in the context of its surroundings.

4.4 Legal and statutory requirements

4.4.1 It is recommended that developers consider all of the legal and statutory requirements that could affect their proposals. Of particular relevance are the Party Wall etc. Act 1996, the Countryside Act, details of property ownership, rights of land and listed-building consent.

4.5 Building regulations

4.5.1 Many forms of development (including house extensions and flat conversions) will require building-regulations approval. Advice and application forms can be obtained from the Building Control section of the Newport City Council website.

4.6 Necessary consents and certificates

4.6.1 Those who undertake development without the necessary consents may find it difficult to sell their properties in the future. They will not, for instance, be able to provide prospective buyers (or their representatives) with copies of certificates.

4.7 Enforcement

4.7.1 Newport City Council may take enforcement action against (and, if necessary, prosecute) those who commence development without having obtained the necessary permission.

4.8 Wildlife

4.8.1 Developers should identify the ecological implications of their proposals before they submit applications for planning permission. To this end, they may wish to refer to the Wildlife and Development SPG (available on the council's website). It is also

recommended that developers, with the assistance of qualified ecologists, use the Local Record Centre (SEWBReC-South East Wales Biological Records Centre) to determine the presence of designated sites, habitats and protected or priority species on, or adjacent to, the application site. The council will seek formal advice from Natural Resources Wales in respect of European Protected Species and internationally and nationally designated sites.

4.9 Sustainable Drainage Systems

The Flood and Water Management Act (FWMA) 2010 (Schedule 3) came into effect in Wales on 7th January 2019 and requires all new developments where the construction area is 100m² or more to use Sustainable Drainage Systems (SuDS) to manage on-site surface water. These surface water drainage systems must be designed and built in accordance with mandatory Welsh Government national standards, published by Welsh Ministers. They must be approved by the council's Sustainable Drainage Approving Body (SAB). The SAB will undertake the statutory function of ensuring that surface water drainage proposals meet with the mandatory national standards and will adopt and maintain SuDs in accordance with Section 17 of Schedule 3 of the FWMA 2010.

For all qualifying developments, SAB approval must be sought in addition to planning approval. Construction will not be allowed to commence on site following the granting of planning consent until SAB approval has also been granted. The SAB offers a chargeable Pre- Application Advice service to discuss & consider surface water drainage proposals in detail and we strongly recommend applicants consider this prior to making a Full Application.

Information regarding SuDS, applying for SAB approval and the scale of charges can be found on the NCC website under Sustainable Drainage Systems. The SAB can also be contacted via email: sab@newport.gov.uk.

5.0 **GUIDANCE NOTES**

5.1 **General**

5.1.1 *ND 1.1 (Conservation areas)*

Planning applications that relate to properties in conservation areas must indicate precisely how the proposed development would appear in the context of its surroundings.

5.2 **Requirements for private amenity space**

5.2.1 *ND 2.1 (Private amenity space)*

A new dwelling should provide private amenity space in accordance with the following table:

<i>Type of home</i>	<i>No. of beds</i>	<i>Type of amenity space</i>	<i>Desired space</i>
Flat	1	Balcony	1.50 square metres (depth) x 1.50 square metres (width)
Flat	2	Balcony	1.50 square metres (depth) x 2.00 square metres (width)
Flat	3	Balcony	1.50 square metres (depth) x 3.00 square metres (width)
Mews	2+	Private/communal	Private: 1 square metre for every square metre of the unit's footprint Communal: 1 square metre for every square metre of the units' footprints
Terrace	2+	Private	1 square metre for every square metre of the unit's footprint
Semi-detached	2+	Private	1 square metre for every square metre of the unit's footprint
Detached	2+	Private	1 square metre for every square metre of the unit's footprint
Bungalow	2+	Private	1 square metre for every square metre of the unit's footprint

Figure 6: Desired standards for private amenity space

Note:

The council will not recognise land occupied by garages or driveways (or any other functional structures or features) as private amenity space.

5.3 Sustainability

5.3.1 ND 3.1 (Sustainability)

New residential development should occur in locations that are well served by local services and public transport. It should also do the following:

- Conserve energy, materials, water and other resources through design;
- Efficiently reuse land and buildings;
- Ensure that designs make the most of natural systems by using Sustainable Urban Drainage Systems (SUDS), “green” roofs, solar panels, ventilation and natural light;
- Foster and maintain biodiversity;
- Minimise additional noise, pollution, flooding and micro-climatic effects;
- Provide good pedestrian and bicycle links to local facilities and public transport.

5.4 Design

5.4.1 ND 4.1 (New development, neighbouring buildings and the surrounding area)

Without merely imitating existing styles, new residential development should harmonise with neighbouring buildings and the surrounding area.

5.4.2 Developers should pay particular attention to the following aspects of their proposals:

- Architectural features;
- Building footprints;
- Building lines;
- Development density;
- External materials;
- Garden shapes and sizes;

- Height, depth and width of buildings;
- Landscape features;
- Massing;
- Plot sizes;
- Spaces between buildings (the “rhythm” of solids and voids).

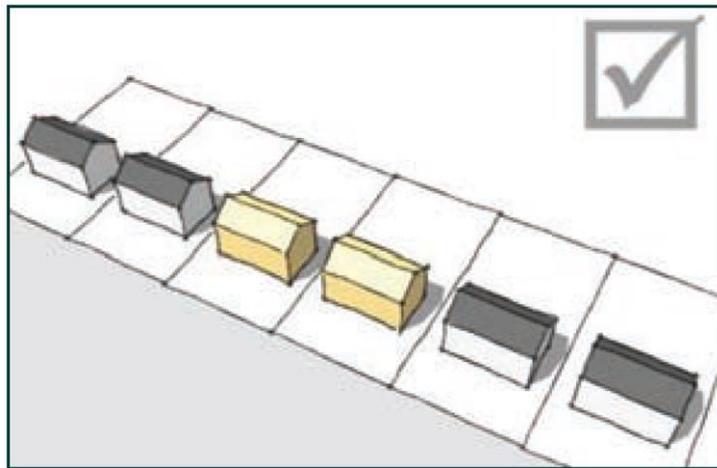


Figure 7: Acceptable form of development (plot size, roof types and massing)

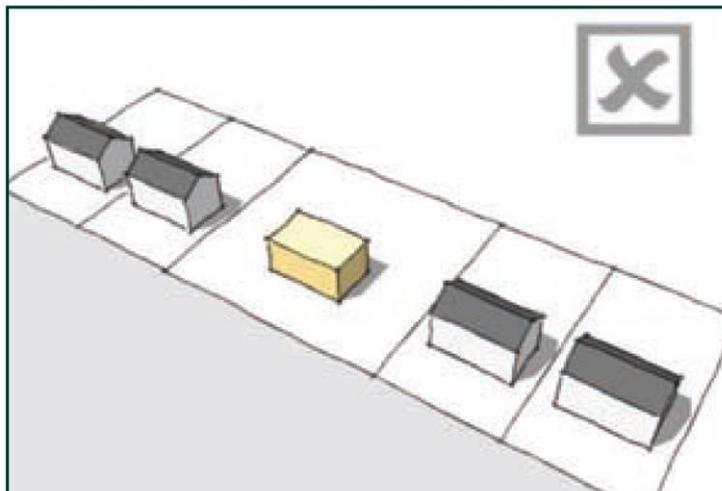


Figure 8: Unacceptable form of development (plot size and roof type)

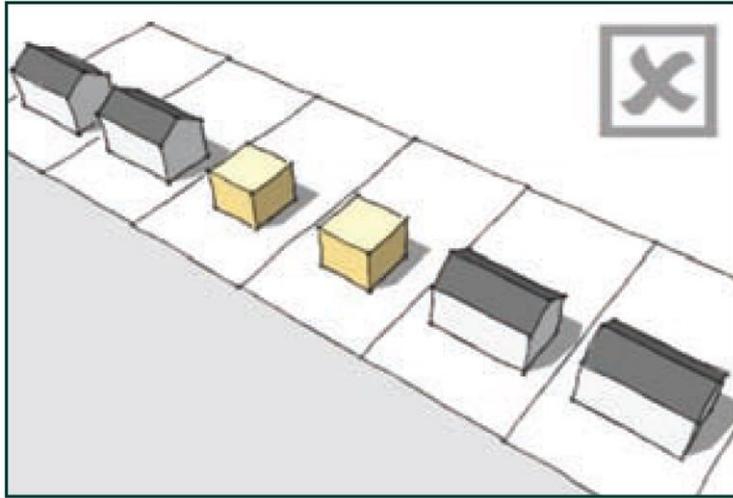


Figure 9: Unacceptable form of development (massing and roof types)

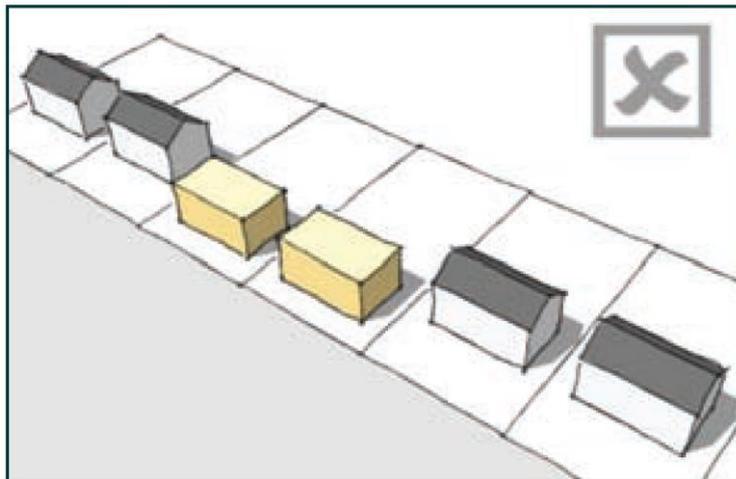


Figure 10: Unacceptable form of development (front building lines and roof types)

5.4.3 *ND 4.2 (Natural light, privacy and perceived space for neighbours)*

New residential development must maintain adequate natural light, privacy and perceived space for the occupants of neighbouring dwellings.

5.4.4 *ND 4.3 (Designing out Crime)*

New residential development should incorporate the principles of “Designing out Crime” in order to minimise the opportunity for crime and antisocial behaviour.

(See www.securedbydesign.com)

5.5 New flats

5.5.1 Rooms in new flats should be arranged and designed in a manner that optimises the living conditions of occupants. For instance, living rooms, kitchens and bedrooms should neither overlook adjoining properties nor face high boundary walls. Living rooms, moreover, should not be next to, directly above or directly below a bedroom in a neighbouring property unless the fabric of the building contains suitable acoustic insulation.

5.5.2 ND 5.1 (*Desired requirements for gross internal floor space*)

All new dwellings should meet the relevant minimum desired standard for gross internal floor space.

Beds/bedrooms	Flat type			
	<i>Studio</i>	<i>Converted</i>	<i>New</i>	
			Common Access ²	Walk up ³
1	32	45	46	50
2	n/a	58	59	65
3	n/a	74	84	90
4	n/a	86	93	99

Figure 11: Desired minimum standards for gross internal floor space (square metres)

Note:

Gross internal floor space includes circulation space and any space occupied by fixtures, appliances, work surfaces, etc.

If the dwellings proposed are to be affordable housing that are in receipt of social housing grant they will need to meet the relevant DQR standards.

5.5.3 ND 5.2 (*Desired requirements for communal amenity space*)

A new block of flats should provide communal amenity space in accordance with the following table.

² Common access is where more than one flat is accessed from a communal entrance.

³ Walk up is where a flat has its own direct access point which is not shared.

No of occupants	Square metres per occupant
1-20	15.00
21-40	14.00
41-60	13.00
61-80	12.00
81-100	11.00
100+	10.00

Figure 12: Desired standards for communal amenity space

Note:

Physical and financial constraints sometimes prevent a development from providing on-site communal amenity space. In such circumstances, the council may seek contributions towards the improvement and/or provision of local public open space (in addition to standard planning contributions).

5.6 New houses

5.6.1 ND 6.1 (Private amenity space)

In most cases, the majority of a household's private amenity space should be located at the back of the house.

5.6.2 ND 6.2 (Back gardens)

In most cases, a back garden should extend at least 10.00 metres from the rear elevation of a house.

Notes:

- i) Some houses, owing to their design characteristics, lack conventional "rear" elevations. In every such case, the council will identify the "rear" elevation by considering the property's design, orientation and spatial relationships with neighbouring buildings.
- ii) The 10.00-metre measurement must be taken at the ground floor.

5.6.3 ND 6.3 (Privacy for occupants)

Amenity space, be it at the back or the side of a house, must provide adequate privacy for occupants.

5.7 Loss of privacy

5.7.1 ND 7.1 (*Protected windows and separation distances*)

In order to ensure that all residents have sufficient privacy in their homes, suitable separation distances must exist between protected windows in existing and proposed dwellings.

Notes:

- i) Protected windows that face one another should be at least 21.00 metres apart (unless separated by permanent structures or evergreen trees protected by Tree Preservation Orders).
- ii) Protected windows that do not allow views to rooms that should be reasonably expected to be private may be less than 21.00 metres apart.

5.7.2 ND 7.2 (*Protected windows and adjacent gardens*)

In order to prevent overlooking or perceived overlooking and overbearing effects developments must have a suitable separation distances between new high-level protected windows and adjacent back gardens. In most cases, a back garden should extend at least 10.00 metres from the rear elevation of a house a new high level window in order to protect the amenity of neighbouring gardens.

Note:

When judging whether the distance between a high-level protected window and a neighbouring garden is suitable, the council will consider, amongst other things, the shape, size and layout of the garden and the effects of ground levels, outbuildings and boundary treatments (e.g. hedges and fences).

5.7.3 ND 7.3 (*Overbearing Effect on Gardens*)

Development proposals that have a significant overbearing effect on neighbouring garden areas regardless of whether all other tests outlined in this SPG are met will be unacceptable. The Council will give consideration to the characteristics of the affected garden area including its size, orientation, likely usage, topography existing

neighbouring development, screening vegetation and any other pertinent consideration when assessing overbearing effect.

5.8 Loss of natural light

5.8.1 The following tests help to maintain adequate levels of natural light for neighbours. Proposals should pass each test in relation to neighbours' protected windows.

5.8.2 The 25° test would be required where it relates to protected windows facing other buildings or relevant structures. In most cases, a proposal that fails the 25° test in relation to a neighbour's protected window will not receive planning permission. Side facing windows are more likely to fail this test because of established layout and a judgement will be made on whether or not a development that fails this test on a side facing protected window has a demonstrable adverse effect on the protected window over and above the existing situation. This will have regard to the relationship of the protected window to existing built development, the built character of the area, its orientation, the presence of other windows serving the same room and any other factors deemed to be material to the assessment of daylight impact on the window.

5.8.3 The 45° test is required where any extension from an existing building line affects a protected window, that is it is required except when the 25° test applies.

Note:

A house with a rear extension such as a conservatory whereby it is predominantly glazed, may retain a door or a window in its original rear elevation. If such an extension has an opaque roof (i.e. does not let light through), the Council will treat the rearmost opening (that is, the door or window in the extension) as the protected window. If, however, the conservatory has a transparent roof that does not significantly prejudice light to original openings, the Council may decide to treat these original rear openings as the protected windows

5.8.4 *25° test for natural light*

From the horizontal centre of a protected window, at a point two metres above ground level, a notional line is drawn at an angle of 25° to the horizontal. Any development that projects within this line is likely to interfere with the diffuse daylight available to the existing building. In such circumstances, planning permission will be refused in most cases subject to the commentary at para 5.8.2 above.

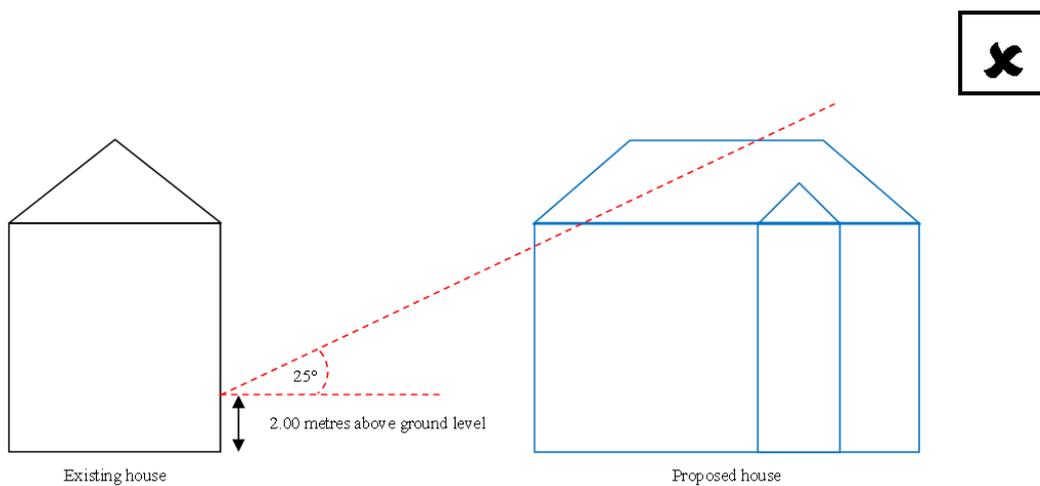
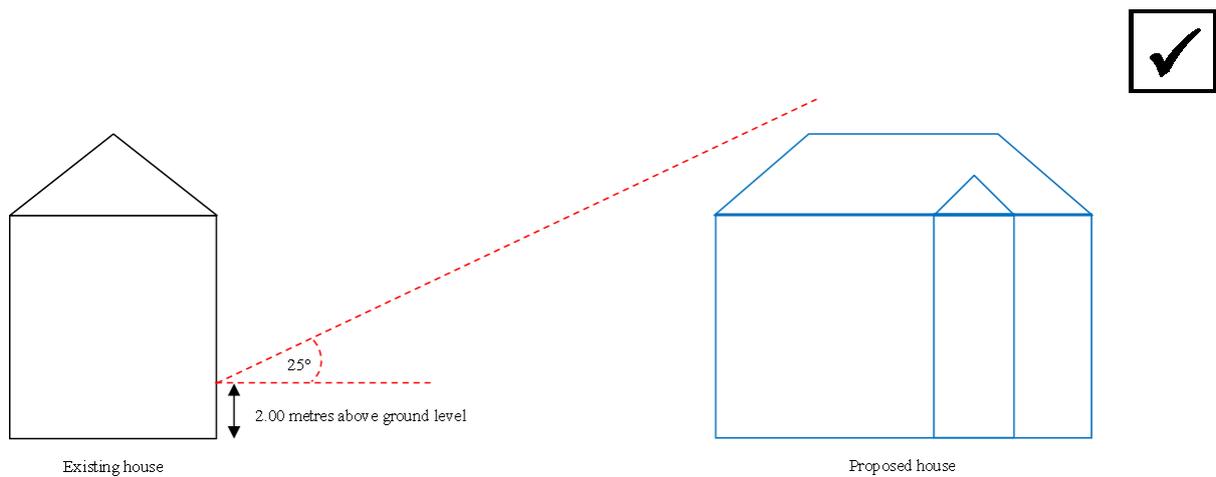


Figure 13: 25° test for natural light (elevations)

5.8.5 Elevation-view 45° test for natural light (side windows)

Due to the established layout and acceptability that properties can be positioned closer side by side, the 25° test on a side facing protected window is considered to be too strict to satisfy. Therefore, to consider the impact of a proposed development on a protected side window, a 45° test will be applied. The consideration here is not only on the loss of light, but of overbearing as well.

5.8.6 For the 45° test, a notional line is drawn from the horizontal centre of an *original* protected side window at 45° to the vertical. Such a window may serve either the ground or the first floor. If the protected “window” is a floor-length window or a door, the 45° line will be taken from a point on the horizontal centre of the opening at 2.00 metres above ground (or, where appropriate, first-floor) level. The proposed development should not project beyond the 45° line.

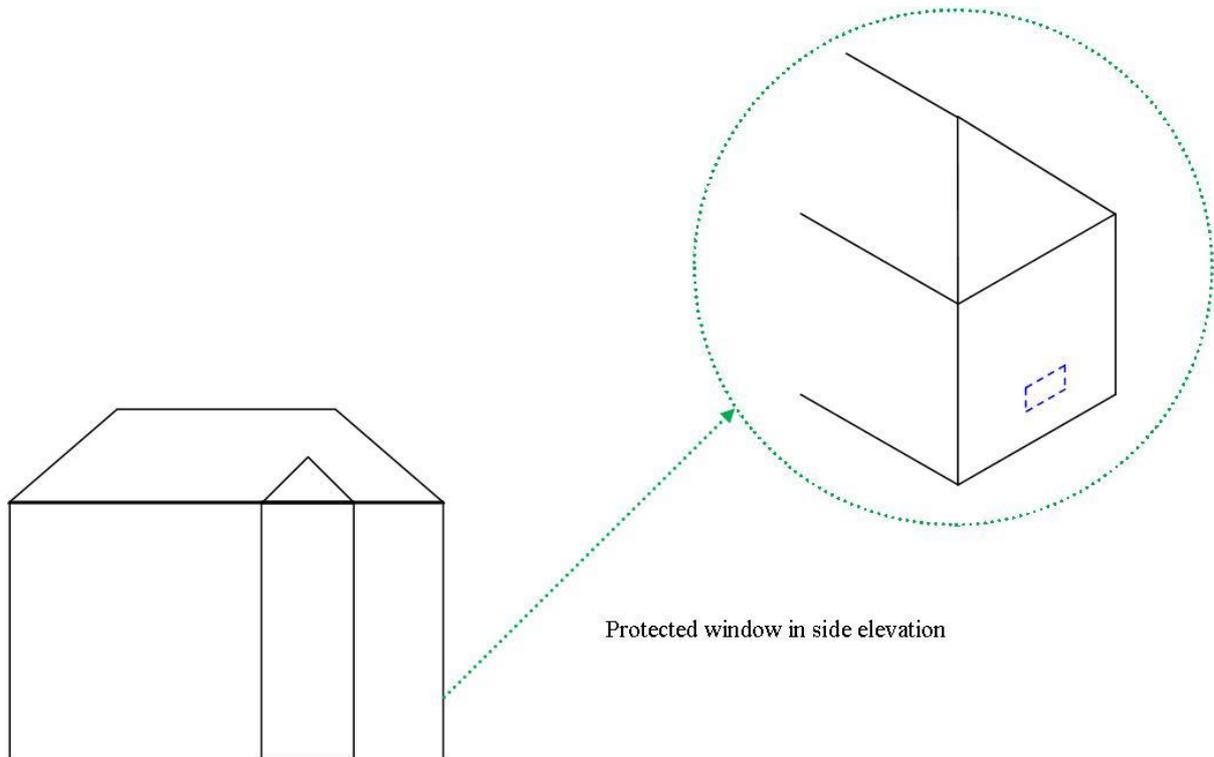


Figure 14: Example of a protected side window

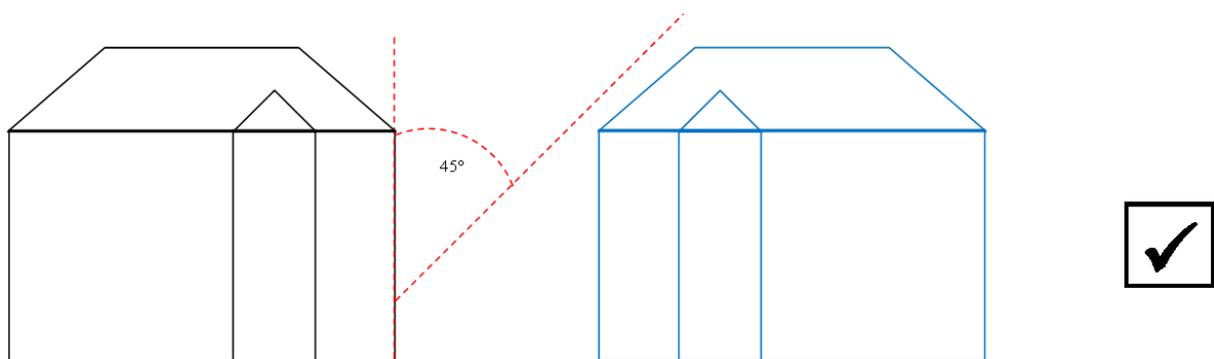


Figure 15: Neighbour's protected side window continues to receive natural light

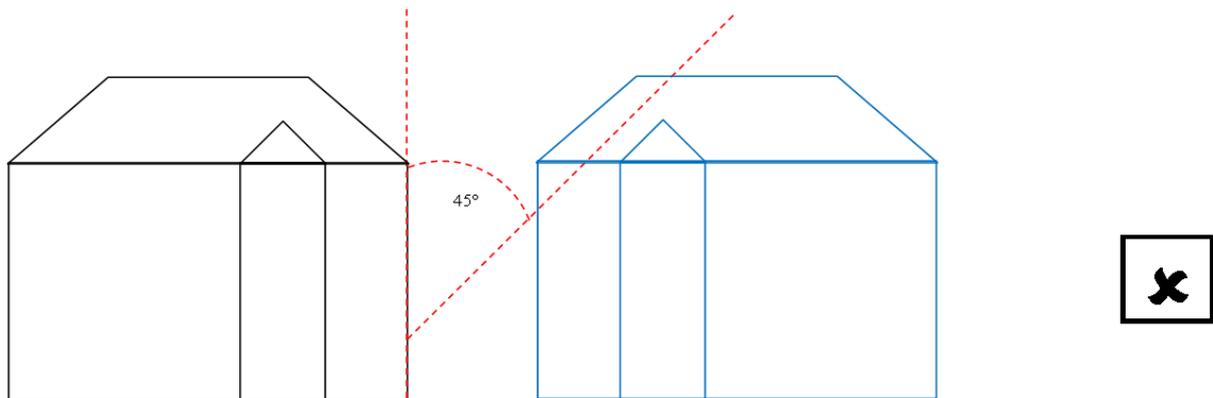


Figure 16: Neighbour's protected side window receives less light than it did before

5.8.7 ND 8.1 (25° or 45° Test for natural light)

Development that fails either the 25° or 45° test (as relevant) for natural light in relation to a neighbour's protected window is unlikely to be acceptable.

Note:

A habitable room may contain more than one door or window. So long as one of its openings would continue to provide occupants with adequate natural light, the council may allow a proposal that contravenes ND 7.2.

5.9 Loss of perceived space and visual amenity

5.9.1 ND 9.1 (Protected windows and blank two-storey elevations)

Development that reduces the distance between a protected window and a blank two-storey elevation to less than 14.00 metres is unlikely to be acceptable.

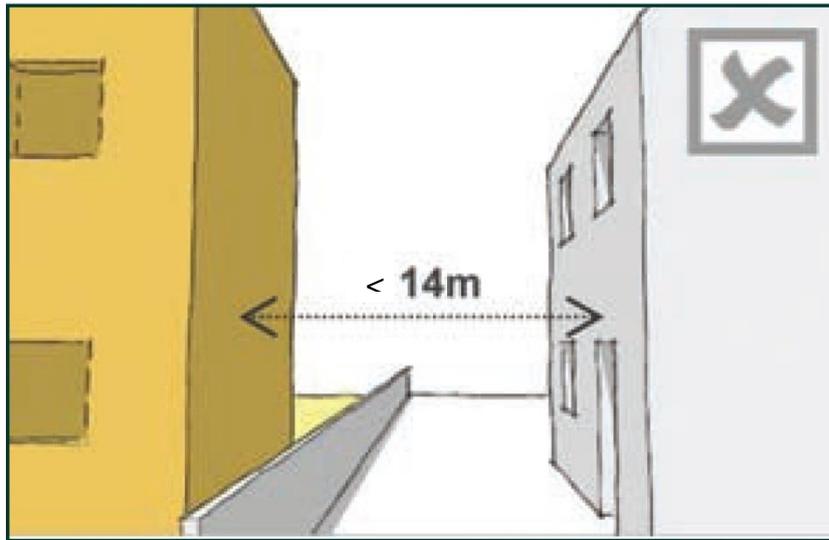


Figure 17: Distance of 14.00 metres between a protected window and a blank two-storey wall

5.10 Concluding note

5.10.1 Every application for development requires the council to assess whether any residents would experience a material (that is, substantial and harmful) loss of privacy, natural light or perceived space. No two application sites have identical physical characteristics, however, and very few sites conform to the “textbook” scenarios illustrated in this guidance. The council must, therefore, consider how factors such as orientation, topography and spatial relationships between buildings might accentuate or diminish the impact of a proposal. For instance, a south-facing window receives a great deal of direct sunlight between dawn and dusk, whereas a north-facing window receives only diffuse and, on occasion, oblique light. Of the two, then, it is the former that is more likely to be left in shadow by a new building. Lastly, the council must also take into account how development proposals might affect, or be affected by, other proposals that have received planning permission and are likely to be implemented.

6.0 PARKING, DRIVEWAYS/ACCESS ROADS, TRAFFIC AND VISIBILITY

6.1 Parking

6.1.1 ND 10.1 (Parking standards)

Development proposals should comply with the Newport City Council Parking Standards 2015 (or any supplementary planning guidance that amends or replaces these standards).

Note:

The council favours off-street parking, but schemes that sacrifice entire gardens in order to provide parking spaces will not receive planning permission. Proposals that cannot provide off-street parking and are likely to create or exacerbate on-street parking problems will also be unsuccessful. The council may, however, relax certain requirements if an applicant can demonstrate that a proposal is sufficiently well served by public transport and local services. Planning decisions will also take account of the manner in which buildings are currently used. For instance, even in the absence of off-street parking, the council may grant planning permission if the proposed development would create less demand for parking than the existing use.

6.2 Driveways and access roads

6.2.1 ND 11.1 (New roads, access points and inclusive design)

A new road or access point should follow the principles of inclusive design set out in Manual for Streets (as updated by Manual for Streets 2).

6.2.2 ND 11.2 (Use of existing access arrangements)

Where possible, in order to maintain the appearance of street frontages, existing access arrangements should be used for infill or backland development.

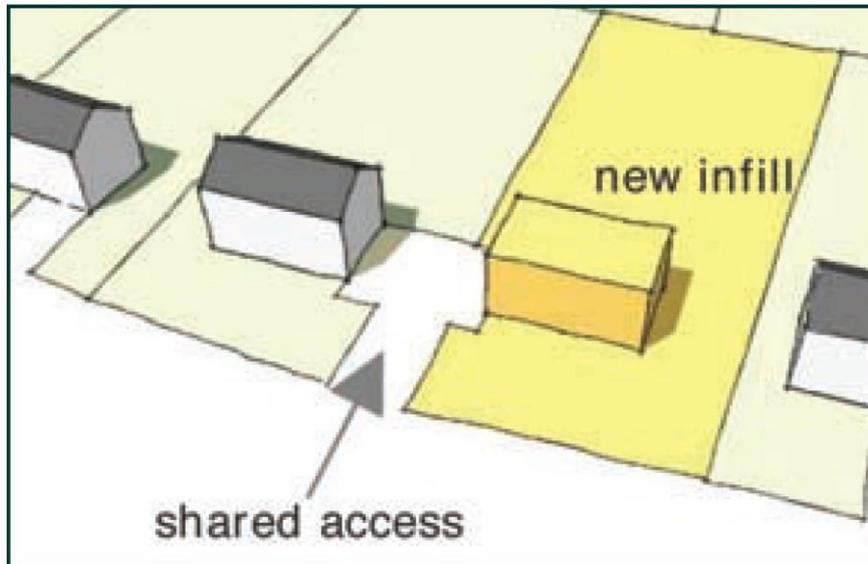


Figure 18: Shared vehicular access

6.2.3 *ND 11.3 (Shared driveways, vehicular movements and noise)*

Shared driveways should not expose residents to excessively loud or frequent vehicular noise (e.g. tyres on gravel) in their habitable rooms and back gardens.

6.2.4 *ND 11.4 (Access roads and adoptable standards)*

An access road that serves five or more dwellings should be designed and constructed to adoptable standards.

6.2.5 *ND 11.5 (Access roads, driveways and safe routes for pedestrians)*

A new access road or driveway should include a safe route for pedestrians.

6.3 Traffic

6.3.1 *ND 12.1 (Existing highway networks and traffic assessments)*

The council will consider whether the existing highway network can accommodate the traffic that proposals are likely to generate. Applicants may need to submit traffic assessments for large-scale projects.

6.4 Visibility

6.4.1 ND 13.1 (*Visibility requirements and turning areas*)

A proposal that jeopardises the safety of residents, pedestrians or motorists will not receive planning permission. Visibility requirements, often determined by such factors as local traffic speeds and the scale of a proposed development, must be satisfied, and turning areas that allow vehicles to enter and leave a property in a forward gear may be required.

7.0 TREES, WOODLANDS AND LANDSCAPING

7.1 General

7.1.1 Trees, woodlands and hedges should inform and complement a housing layout. To this end, it is recommended that developers undertake appropriate assessments, in accordance with BS5837:2012, before designing the housing layout. In so doing, they may overcome potential conflicts between houses and trees at an early stage.

7.2 Tree Preservation Orders (TPOs)

- TPOs are used to protect healthy trees and woodlands of particular merit that contribute to the character of a local area and have a good life expectancy.
- The council will protect individual trees or woodlands that meet the criteria set out in the guidance notes of the Town and County Planning Act 1990.
- Applicants who wish to fell or undertake major work on healthy trees must submit evidence prepared by qualified tree consultants.
- The council will investigate breaches of TPOs and, when appropriate, seek to prosecute the offenders.
- The council will enforce Replacement Tree Planting Notices when protected trees are removed.

7.3 Trees and woodlands in conservation areas

- Applicants who wish to fell or undertake major work on healthy trees must submit evidence prepared by qualified tree consultants.
- The council will consider issuing new TPOs when developers seek to fell or prune healthy trees or woodland within a conservation area.
- The council will investigate breaches of legislation and, when appropriate, seek to prosecute the offenders.
- The council will enforce Replacement Tree Planting Notices when trees in conservation areas are removed.

7.4 Trees and woodland on council land that is to be sold for development

7.4.1 Prior to any sale, the council will consider placing TPOs on trees and woodland of merit. It is hoped that this approach will not only improve tree cover in Newport, but also help to create a “greener” and healthier city, in accordance with the Local Development Plan.

7.5 Hedgerows

- Hedgerows should be retained wherever possible in order not to detract from the character and appearance of the streetscape.
- Developers may need to obtain the council’s approval before removing hedgerows.
- In some circumstances, the council may require developers to plant replacement hedges.
- When appropriate, the council will issue retention notices.
- In order to retain important landscape and ecological features, the council will investigate breaches of hedgerow regulations and, when appropriate, seek to prosecute the offenders.

7.6 Structural planting on development sites

7.6.1 In order to create strong and clearly defined landscapes, the council will require developers to undertake structural planting in development sites. The term “structural planting” refers to groups of large trees and shrubs that define and give character to public spaces. Examples of such planting include trees that line boulevards or form boundaries between public and private land. The council believes that groups of trees and shrubs can influence the manner in which people perceive and use their surroundings. In most cases, however, the value of structural planting depends not only on the selection of particular species (each of which should be native to the United Kingdom), but also on the use of carefully designed arrangements. The council will require details of all structural planting for development sites that exceed three hectares in area.

7.6.2 Grass or low-planted verges should bound main roads in new housing developments. Each verge ought to be between 2.50 and 3.00 metres wide in order to accommodate boulevard-style planting, the trees of which should meet or exceed the “extra heavy” standard. In larger developments, secondary roads ought to have similar planting on at least one of their sides (e.g. on the outside of each bend). Trees planted in front gardens are inadequate substitutes for trees on verges because, in most cases, their owners may prune or fell them at any time.

7.6.3 The council will seek to retain trees and woodland on development sites by:

- Evaluating planning applications against national legislation and local policy and guidance;
- Protecting suitable trees and woodland with TPOs;
- Requesting tree information in accordance with BS5837:2012;
- Minimising potential conflicts between development and trees; and
- Investigating breaches of planning conditions and, when appropriate, seeking to prosecute the offenders.

7.6.4 Wherever possible, new trees on development sites should be planted in public open space, where they will have sufficient room for growth.

7.6.5 Lastly, the council may seek financial compensation from developers whose projects would occasion the loss of woodland, hedgerows and individual trees.

7.7 Local Areas of Play (LAPs) and Local Equipped Areas of Play (LEAPs)

7.7.1 Selected species of vertically growing (fastigate) trees should be planted on grass areas adjacent to LAPs and LEAPs. The trees should not, however, reduce the visibility of a play area or increase maintenance costs for the landowner/site manager.

7.8 Protection of woodland and woodland edges

- Woodlands and curtilages should be separated by strips of land known as “buffers”.
- Developers must provide details about the ongoing maintenance of buffers;
- A minimum distance of ten metres should remain between any part of a canopy and any part of a curtilage.
- The council will seek to conserve every woodland in its entirety, thus protecting the existing ecology and biodiversity. To this end, the council will resist any attempt to extend a garden into a woodland.

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