

Agenda



Planning Committee

Date: Wednesday, 3 February 2016

Time: 10.00 am

Venue: Council Chambers, Civic Centre, Newport

To: Councillors P Huntley (Chair), C Jenkins, M Al-Nuami, V Delahaye, D Fouweather, M Linton, J Mudd, R White, O Ali and K Critchley

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Copies of the Planning Code of Practice will be available at the meeting.

Part 1

Item	Wards Affected
1. <u>Apologies for Absence</u> F_PR	
2. <u>Declarations of Interest</u> F_PR	
3. <u>Minutes of the meeting held on 6 January, 2016</u> F_PR	All Wards
4. <u>Development Management: Planning Application Schedule</u> F_PR	All Wards
5. <u>Appeal Decisions</u> F_PR	Allt-yr-yn

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Date of Issue: Wednesday, 27 January 2016

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Minutes



Planning Committee

Date: 6 January 2016

Time: 10.00 am

Present: Councillors P Huntley (Chair), M Al-Nuami, V Delahaye, D Fouweather, M Linton, R White, O Ali and K Critchley

T Brooks (East Area Applications Manager), S Williams (West Area Applications Manager), L Jones (Principal Planning Officer), G Roberts (Principal Planning Officer), C Jones (Principal Engineer), S Davies (Strategy & Development Manager), J Evans (Senior Solicitor) and M Durkin (Democratic Services Officer)

Apologies: Councillors J Mudd

1. Minutes

The Minutes of the meeting held on 2 December, 2015 were submitted.

Resolved

That the Minutes of the meeting held on 2 December, 2015 be taken as read and confirmed.

2. Development Management: Planning Application Schedule

Resolved

(1) That decisions be recorded as shown on the Planning Applications Schedule attached as an Appendix.

(2) That the Development Services Manager be authorised to draft any amendments to/additional conditions or reasons for refusal in respect of the Planning Applications Schedule, attached.

3. Appeal Decisions

Consideration was given to a report following recent appeals.

Planning Application Appeals – Dismissed

Application 15/0415 – 21 Excelsior Close – erection of garage to front of property.

Application 14/0713 – Castle Farm, Bishton – single wind turbine measuring up to 77m with ancillary equipment and associated infrastructure.

Resolved

That the appeal decisions be accepted as a basis for informing future decisions of the Planning Committee

4. **Development Management Performance**

Consideration was given to a report detailing the performance of the Development Management Team over the first half of 2015-16 financial year including the time taken against targets for application determination, enforcement complaints resolved and appeal decisions. It also provided a summary of reasons why planning applications took in excess of the target eight weeks for determination.

Resolved

To note the current performance of the Development Management section and congratulate the Development Management Team on their achievements.

Appendix

PLANNING COMMITTEE – 6 JANUARY, 2016

DECISION SCHEDULE

No	Site/Proposal	Ward	Additional Comments	Decision
15/0902	<p>Land to the west of Park Farm, Malthouse Lane</p> <p>Installation and operation of a 3.91 MW Solar Farm and Associated Infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, access tracks, fencing and pole-mounted CCTV cameras, affecting bridleway ST39SW-125 and footpaths ST395W – 131 and ST395W-13</p>	Caerleon	<p>HRIH referred to late representations previously circulated.</p> <p>Mr B Clarke, the Agent on behalf of the Applicant spoke in support of the application.</p> <p>Councillor Giles, Caerleon Ward Member spoke objecting to the application.</p>	<p><u>Committee Site Inspection</u></p> <p><u>Reason</u></p> <p>For Members to gain a better understanding on the impact of the proposed development being built of the designated green wedge on the surrounding area. Site inspection to be undertaken on a date following Member Training on 4 February, 2016.</p>
15/0903	<p>Land to the west of Park Farm, Malthouse Lane</p> <p>Installation and operation of a 5 MW Solar Farm and Associated Infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, access tracks, fencing and pole-mounted</p>	Caerleon		<p>In view of the decision made on Application 15/0902 above:-</p> <p><u>Committee Site Inspection</u></p> <p><u>Reason</u></p> <p>For Members to gain a better understanding on the impact of</p>

15/1251	Delilahs, 54-55 High Street Provision of new disabled ramped access and entrance steps to main entrance of new hotel	Stow Hill	HSS&CS confirmed his objection to the application on the basis that any alterations required in order for the access to become DDA compliant should be provided internally. It was noted that the Applicant had stated this was not possible but no information had been submitted to substantiate that.	Granted with conditions
15/1250	Delilahs, 54-55 High Street Listed Building Consent for disabled ramp access and entrance steps to main entrance of new hotel	Stow Hill		Granted with conditions subject to CADW approval
15/1312	Marshfield Junior and Infants School, Marshfield Road Extension of school to provide nursery	Marshfield	Arising from a discussion on the submission of a travel plan prior to the occupation of the nursery to address traffic issues (which had been agreed), HSS&CS reported that there were ongoing discussions with Education on this issue as it related to this and other schools in the City. This was welcomed by Members. <i>(Councillor White declared an interest in this application as a Marshfield School Governor and left the meeting)</i>	Granted with conditions
15/1157	Land formerly known as 21 Kelvedon Street	Victoria	This application had been withdrawn at the Applicant's request.	

	Proposed residential development comprising 2 No. small retail units and undercroft parking to ground floor and 52 No. apartments to upper floors			
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Report

Planning Committee

Part 1

Date: 3 February 2016

Item No: 4

Subject **Planning Application Schedule**

Purpose To take decisions on items presented on the attached schedule

Author Head of Regeneration, Investment and Housing

Ward As indicated on the schedule

Summary The Planning Committee has delegated powers to take decisions in relation to planning applications. The reports contained in this schedule assess the proposed development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an Officer recommendation to the Planning Committee on whether or not Officers consider planning permission should be granted (with suggested planning conditions where applicable), or refused (with suggested reasons for refusal).

The purpose of the attached reports and associated Officer presentation to the Committee is to allow the Planning Committee to make a decision on each application in the attached schedule having weighed up the various material planning considerations.

The decisions made are expected to benefit the City and its communities by allowing good quality development in the right locations and resisting inappropriate or poor quality development in the wrong locations.

Proposal **1. To resolve decisions as shown on the attached schedule.**
2. To authorise the Head of Regeneration, Investment and Housing to draft any amendments to, additional conditions or reasons for refusal in respect of the Planning Applications Schedule attached

Action by Planning Committee

Timetable Immediate

This report was prepared after consultation with:

- Local Residents
- Members
- Statutory Consultees

The Officer recommendations detailed in this report are made following consultation as set out in the Council's approved policy on planning consultation and in accordance with legal requirements.

Background

The reports contained in this schedule assess the proposed development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an Officer recommendation to the Planning Committee on whether or not Officers consider planning permission should be granted (with suggested planning conditions where applicable), or refused (with suggested reasons for refusal).

The purpose of the attached reports and associated Officer presentation to the Committee is to allow the Planning Committee to make a decision on each application in the attached schedule having weighed up the various material planning considerations.

The decisions made are expected to benefit the City and its communities by allowing good quality development in the right locations and resisting inappropriate or poor quality development in the wrong locations.

Applications can be granted subject to planning conditions. Conditions must meet all of the following criteria:

- Necessary;
- Relevant to planning legislation (i.e. a planning consideration);
- Relevant to the proposed development in question;
- Precise;
- Enforceable; and
- Reasonable in all other respects.

Applications can be granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). This secures planning obligations to offset the impacts of the proposed development. However, in order for these planning obligations to be lawful, they must meet all of the following criteria:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The applicant has a statutory right of appeal against the refusal of permission in most cases, or against the imposition of planning conditions. There is no third party right of appeal against a decision.

Work is carried out by existing staff and there are no staffing issues. It is sometimes necessary to employ a Barrister to act on the Council's behalf in defending decisions at planning appeals. This cost is met by existing budgets. Where the Planning Committee refuses an application against Officer advice, Members will be required to assist in defending their decision at appeal.

Where applicable as planning considerations, specific issues relating to sustainability and environmental issues, equalities impact and crime prevention impact of each proposed development are addressed in the relevant report in the attached schedule.

Financial Summary

The cost of determining planning applications and defending decisions at any subsequent appeal is met by existing budgets and partially offset by statutory planning application fees. Costs can be awarded against the Council at an appeal if the Council has acted unreasonably and/or cannot defend its decisions. Similarly, costs can be awarded in the Council's favour if an appellant has acted unreasonably and/or cannot substantiate their grounds of appeal.

Risks

Three main risks are identified in relating to the determination of planning applications by Planning Committee: decisions being overturned at appeal; appeals being lodged for failing to determine applications within the statutory time period; and judicial review.

An appeal can be lodged by the applicant if permission is refused or if conditions are imposed. Costs can be awarded against the Council if decisions cannot be defended as reasonable, or if it behaves unreasonably during the appeal process, for example by not submitting required documents within required timescales. Conversely, costs can be awarded in the Council's favour if the appellants cannot defend their argument or behaves unreasonably.

An appeal can also be lodged by the applicant if the application is not determined within the statutory time period. However, with the type of major development being presented to the Planning Committee, which often requires a Section 106 agreement, it is unlikely that the application will be determined within the statutory time period. Appeals against non-determination are rare due to the further delay in receiving an appeal decision: it is generally quicker for applicants to wait for the Planning Authority to determine the application. Costs could only be awarded against the Council if it is found to have acted unreasonably. Determination of an application would only be delayed for good reason, such as resolving an objection or negotiating improvements or Section 106 contributions, and so the risk of a costs award is low.

A decision can be challenged in the Courts via a judicial review where an interested party is dissatisfied with the way the planning system has worked or how a Council has made a planning decision. A judicial review can be lodged if a decision has been made without taking into account a relevant planning consideration, if a decision is made taking into account an irrelevant consideration, or if the decision is irrational or perverse. If the Council loses the judicial review, it is at risk of having to pay the claimant's full costs in bringing the challenge, in addition to the Council's own costs in defending its decision. In the event of a successful challenge, the planning permission would normally be quashed and remitted back to the Council for reconsideration. If the Council wins, its costs would normally be met by the claimant who brought the unsuccessful challenge. Defending judicial reviews involves considerable officer time, legal advice, and instructing a barrister, and is a very expensive process. In addition to the financial implications, the Council's reputation may be harmed.

Mitigation measures to reduce risk are detailed in the table below. The probability of these risks occurring is considered to be low due to the mitigation measures, however the costs associated with a public inquiry and judicial review can be high.

Risk	Impact of risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect?	Who is responsible for dealing with the risk?
Decisions challenged at appeal and costs awarded against the Council.	M	L	Ensure reasons for refusal can be defended at appeal.	Planning Committee
			Ensure planning conditions imposed meet the tests set out in Circular 016/2014.	Planning Committee
			Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.	Development Services Manager and Senior Legal Officer
			Ensure appeal timetables are adhered to.	Development Services Manager

Risk	Impact of risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect?	Who is responsible for dealing with the risk?
Appeal lodged against non-determination, with costs awarded against the Council	M	L	Avoid delaying the determination of applications unreasonably.	Planning Committee Development Services Manager
Judicial review successful with costs awarded against the Council	H	L	Ensure sound and rational decisions are made.	Planning Committee Development Services Manager

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

The Council's Corporate Plan 2012-2017 identifies five corporate aims: being a Caring City; a Fairer City; A Learning and Working City; A Greener and Healthier City; and a Safer City. Key priority outcomes include ensuring people live in sustainable communities; enabling people to lead independent lives; ensuring decisions are fair; improving the life-chances of children and young people; creating a strong and confident local economy; improving the attractiveness of the City; promoting environmental sustainability; ensuring people live in safe and inclusive communities; and making Newport a vibrant and welcoming place to visit and enjoy.

Through development management decisions, good quality development is encouraged and the wrong development in the wrong places is resisted. Planning decisions can therefore contribute directly and indirectly to these priority outcomes by helping to deliver sustainable communities and affordable housing; allowing adaptations to allow people to remain in their homes; improving energy efficiency standards; securing appropriate Planning Contributions to offset the demands of new development to enable the expansion and improvement of our schools and leisure facilities; enabling economic recovery, tourism and job creation; tackling dangerous structures and unsightly land and buildings; bringing empty properties back into use; and ensuring high quality 'place-making'.

The Corporate Plan links to other strategies and plans, the main ones being:

- Single Integrated Plan;
- Local Development Plan 2011-2026 (Adopted January 2015);

The Newport Single Integrated Plan (SIP) is the defining statement of strategic planning intent for the next 3 years. It identifies key priorities for improving the City. Its vision is: "*Working together to create a proud and prosperous City with opportunities for all*"

The Single Integrated Plan has six priority themes, which are:

- Skills and Work
- Economic Opportunity
- Health and Wellbeing
- Safe and Cohesive Communities
- City Centre
- Alcohol and Substance Misuse

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 all planning applications must be determined in accordance with the Newport Local Development Plan (Adopted January 2015) unless material considerations indicate otherwise. Planning decisions are therefore based primarily on this core Council policy.

Options Available

- 1) To determine the application in accordance with the Officer recommendation (with amendments to or additional conditions or reasons for refusal if appropriate);
- 2) To grant or refuse planning permission against Officer recommendation (in which case the Planning Committee's reasons for its decision must be clearly minuted);
- 3) To decide to carry out a site visit, either by the Site Inspection Sub-Committee or by full Planning Committee (in which case the reason for the site visit must be minuted).

Preferred Option and Why

To determine the application in accordance with the Officer recommendation (with amendments to or additional conditions or reasons for refusal if appropriate).

Comments of Chief Financial Officer

In the normal course of events, there should be no specific financial implications arising from the determination of planning applications.

There is always a risk of a planning decision being challenged at appeal. This is especially the case where the Committee makes a decision contrary to the advice of Planning Officers or where in making its decision, the Committee takes into account matters which are not relevant planning considerations. These costs can be very considerable, especially where the planning application concerned is large or complex or the appeal process is likely to be protracted.

Members of the Planning Committee should be mindful that the costs of defending appeals and any award of costs against the Council following a successful appeal must be met by the taxpayers of Newport.

There is no provision in the Council's budget for such costs and as such, compensating savings in services would be required to offset any such costs that were incurred as a result of a successful appeal.

Comments of Monitoring Officer

Planning Committee are required to have regard to the Officer advice and recommendations set out in the Application Schedule, the relevant planning policy context and all other material planning considerations. If Members are minded not to accept the Officer recommendation, then they must have sustainable planning reasons for their decisions.

Staffing Implications: Comments of Head of People and Business Change

Development Management work is undertaken by an in-house team and therefore there are no staffing implications arising from this report. Officer recommendations have been based on adopted planning policy which aligns with the Single Integrated Plan and the Council's Corporate Plan objectives.

Local issues

Ward Members were notified of planning applications in accordance with the Council's adopted policy on planning consultation. Any comments made regarding a specific planning application are recorded in the report in the attached schedule

Equalities Impact Assessment and the Equality Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act 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. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that 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.

An Equality Impact Assessment for delivery of the Development Management service has been completed and can be viewed on the Council's website.

Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act 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 (section 5).

Objective 9 (Health and Well Being) of the adopted Newport Local Development Plan (2011-2026) links to this duty with its requirement to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.

Planning (Wales) Act 2015 (Welsh Language)

Section 11 of the Act makes it mandatory for all Local Planning Authorities to consider the effect of their Local Development Plans on the Welsh language, by undertaking an appropriate assessment as part of the Sustainability Appraisal of the plan. It also requires Local Planning Authorities to keep evidence relating to the use of the Welsh language in the area up-to-date.

Section 31 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. The provision does not apportion any additional weight to the Welsh language in comparison to other material considerations. Whether or not the Welsh language is a material consideration in any planning application remains entirely at the discretion of the decision maker.

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. Objectives 1 (Sustainable Use of Land) and 9 (Health and Well-being) of the adopted Newport Local Development Plan (2011-2026) link to this requirement to ensure that development makes a positive contribution to local communities and to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.

Consultation

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

Background Papers

NATIONAL POLICY

Planning Policy Wales (PPW) Edition 7 (July 2014)

Minerals Planning Policy Wales (December 2000)

PPW Technical Advice Notes (TAN):

TAN 1: Joint Housing Land Availability Studies (2006)

TAN 2: Planning and Affordable Housing (2006)

TAN 3: Simplified Planning Zones (1996)

TAN 4: Retailing and Town Centres (1996)

TAN 5: Nature Conservation and Planning (2009)

TAN 6: Planning for Sustainable Rural Communities (2010)

TAN 7: Outdoor Advertisement Control (1996)

TAN 8: Renewable Energy (2005)

TAN 9: Enforcement of Planning Control (1997)

TAN 10: Tree Preservation Orders (1997)

TAN 11: Noise (1997)

TAN 12: Design (2014)

TAN 13: Tourism (1997)

TAN 14: Coastal Planning (1998)

TAN 15: Development and Flood Risk (2004)

TAN 16: Sport, Recreation and Open Space (2009)

TAN 18: Transport (2007)

TAN 19: Telecommunications (2002)

TAN 20: The Welsh Language: Unitary Development Plans and Planning Control (2013)

TAN 21: Waste (2014)

TAN 23: Economic Development (2014)

Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)

Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)

Welsh Government Circular 016/2014 on planning conditions

LOCAL POLICY

Newport Local Development Plan (LDP) 2011-2026 (Adopted January 2015)

Supplementary Planning Guidance (SPG):

Affordable Housing (adopted August 2015)

Archaeology & Archaeologically Sensitive Areas (adopted August 2015)

Flat Conversions (adopted August 2015)

House Extensions and Domestic Outbuildings (adopted August 2015)

Houses in Multiple Occupation (HMOs) (adopted August 2015)

New dwellings (adopted August 2015)

Parking Standards (adopted August 2015)

Planning Obligations (adopted August 2015)

Security Measures for Shop Fronts and Commercial Premises (adopted August 2015)

Wildlife and Development (adopted August 2015)

OTHER

The Colliers International Retail Study (July 2010) is not adopted policy but is a material consideration in making planning decisions.

The Economic Development Strategy is a material planning consideration.

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.

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended by the Town and Country Planning (Environmental Impact Assessment) (Amendment) (Wales) Regulations 2008 are relevant to the recommendations made.

Other documents and plans relevant to specific planning applications are detailed at the end of each application report in the attached schedule

Dated: 3 February 2016

APPLICATION DETAILS

No: 15/0646 **Ward:** LANGSTONE

Type: FULL (MAJOR)

Expiry Date: 26-JUL-2015

Applicant: WESTERLEIGH GROUP

Site: LAND TO SOUTH OF AND OPPOSITE BEVERLEY, MAGOR ROAD, NEWPORT

Proposal: PROPOSED CREMATORIUM PLUS CAR PARKING
AND MEMORIAL PARKLAND

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

1.1 The application is seeking permission for a crematorium, parking and associated memorial parkland on agricultural land to the south of Magor Road in Langstone. The crematorium will be sited in the south eastern corner of the site and set back from and below the level of the Magor Road. The parking will be located to the north of the building complex and will contain areas of formal planting. An area of grasscrete will be provided adjacent to the access from Magor Road as an additional parking overflow area. The larger part of the site to the west will be used as a memorial garden and parkland (approximately 4.14 Ha). An attenuation pond will intercept run-off from the more developed eastern part of the site. A protected right turn lane will be provided within Magor Road and the access to the site will be provided to the west of the current field access and will require the removal of approximately 18m of hedgerow. The rest of the hedgerow will be retained and cut back as necessary to provide the required visibility.

1.2 The building will contain a chapel, cremator room, supporting offices and store rooms and lavatories and will cover an area of 600 square metres (including the porte cochere – covered entrance). The building will be a double ridged structure with the more prominent part comprising the chapel and the smaller element containing the supporting rooms. The building will be traditional in appearance with the chapel being 3.7m to the eaves and 7.9m to the ridge. The cremator will vent via a traditional looking chimney that would be 8.1m high (LVIA states 9.0 metres). Proposed materials are rubble stone walling with dressed stone detailing, through colour render and brick for walls and slate for the roof with hardwood timber window frames and door frames / doors. Porous block paving is proposed for the parking area with other surfacing materials being paviour blocks, gravel beds, tarmac paths within the car park and tarmac access roads. A floral tribute area would be provided to the west of the chapel. This would be a gazebo like structure linked to the chapel via footpaths ‘fenced’ by a green screen.

1.3 The access would have a splitter island to separate in / out lanes and would be gated with timber agricultural style 5 bar gates. Indicative signage is shown as two signs mounted in timber frames 1.85m high containing a coloured vinyl sign board. 74 formal parking spaces are proposed (4 disabled) and an additional overflow parking area of 820 square metres (approximately 30 additional spaces) is to be provided. Four staff spaces, including one disabled space are proposed. A dedicated right turn lane will be provided in Magor Road to access the site, this will be protected by bollards with solar powered lighting.

2. RELEVANT SITE HISTORY

None.

3. POLICY CONTEXT

3.1 National Advice

Planning Policy Wales (Edition 7) and its associated Technical Advice Notes are relevant to the determination of this application. Relevant Technical Advice Notes are:

- TAN5 Nature Conservation and Planning (2009)
- TAN12 Design (2014)
- TAN 15 Development and Flood Risk (2004)
- TAN 18 Transport (2007)
- TAN 23 Economic Development (2014)

3.2 Adopted Local Policy – Local Development Plan

SP1 Sustainability	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.
SP3 Flood risk	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.
SP4 Water Resources	Development proposals should minimise water consumption, protect water quality during and after construction and result in no net increase in surface water run-off through the sustainable management of water resources
SP5 Countryside	Development in the countryside (that is, that area of land lying beyond the settlement boundaries shown on the proposal and inset maps) will only be permitted where the use is appropriate in the countryside, respects the landscape character and biodiversity of the immediate and surrounding area and is appropriate in scale and design. Housing development, rural diversification and rural enterprise uses, beyond settlement boundaries, will only be appropriate where they comply with national planning policy.
SP8 Special Landscape Areas	Special landscape areas are designated as follows within which proposals will be required to contribute positively to the area through high quality design, materials and management schemes that demonstrate a clear appreciation of the area's special features
SP9 Conservation of the Natural, Historic and Built Environment	The conservation, enhancement and management of recognised sites within the natural, historic and built environment will be sought in all proposals.
SP12 Community Facilities	"The development of new community facilities in sustainable locations will be encouraged including: i) Places of worship and church halls, cemeteries, community centres, health centres, day nurseries, clinics and consulting rooms ... "
SP21 Minerals	The plan will fulfil its contribution to the regional demand by: i) safeguarding hardrock and sand & gravel resource blocks;
GP2 General Amenity	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 anti-social behaviour; iv) the proposal promotes inclusive design both for the built development and access within and around the development;
GP3 Service	Development will be permitted where, as applicable:

Infrastructure	<p>i) necessary and appropriate service infrastructure either exists or can be provided;</p> <p>ii) in areas served by the public foul sewer, there is capacity for the development within the system or, if not, satisfactory improvements are provided by the developer;</p> <p>in areas served by the public foul sewer, development will not be permitted with connections to private facilities unless there are exceptional circumstances that prevent connection to the public sewer.</p>
GP4 Highways and Accessibility	<p>Development proposals should:</p> <p>i) provide appropriate access for pedestrians, cyclists and public transport in accordance with national guidance;</p> <p>ii) be accessible by a choice of means of transport;</p> <p>iii) be designed to avoid or reduce transport severance, noise and air pollution;</p> <p>iv) make adequate provision for car parking and cycle storage;</p> <p>v) provide suitable and safe access arrangements;</p> <p>vi) design and build new roads within private development in accordance with the highway authority's design guide and relevant national guidance;</p> <p>vii) ensure that development would not be detrimental to highway or pedestrian safety or result in traffic generation exceeding the capacity of the highway network</p>
GP5 Natural Environment	<p>Development will be permitted where, as applicable:</p> <p>i) the proposals are designed and managed to protect and encourage biodiversity and ecological connectivity, including through the incorporation of new features on or off site to further the UK, Welsh and/or Newport biodiversity action plans;</p> <p>ii) the proposals demonstrate how they avoid, or mitigate and compensate negative impacts to biodiversity, ensuring that there are no significant adverse effects on areas of nature conservation interest including international, European, national, Welsh section 4232 and local protected habitats and species, and protecting features of importance for ecology;</p> <p>iii) the proposal will not result in an unacceptable impact on water quality;</p> <p>iv) the proposal should not result in the loss or reduction in quality of high quality agricultural land (grades 1, 2 and 3a);</p> <p>v) there would be no unacceptable impact on landscape quality;</p> <p>vi) the proposal includes an appropriate landscape scheme, which enhances the site and the wider context including green infrastructure and biodiversity networks;</p> <p>vii) The proposal includes appropriate tree planting or retention where appropriate and does not result in the unacceptable loss of or harm to trees, woodland or hedgerows that have wildlife or amenity value.</p>
GP6 Quality of Design	<p>Good quality design will be sought in all forms of development. The aim is to create a safe, accessible, attractive and convenient environment. In considering development proposals the following fundamental design principles should be addressed:</p> <p>i) Context of the site: all development should be sensitive to the unique qualities of the site and respond positively to the character of the area;</p> <p>ii) access, permeability and layout: all development should maintain a high level of pedestrian access, connectivity and laid out so as to minimise noise pollution;</p> <p>iii) Preservation and enhancement: where possible development should reflect the character of the locality but avoid the inappropriate replication of neighbouring architectural styles. The designer is encouraged to display creativity and innovation in design;</p> <p>iv) Scale and form of development: new development should appropriately reflect the scale of adjacent townscape. Care should be taken to avoid over-scaled development;</p> <p>v) Materials and detailing: high quality, durable and preferably renewable materials should be used to complement the site context. Detailing should be incorporated as</p>

	<p>an integral part of the design at an early stage;</p> <p>vi) Sustainability: new development should be inherently robust, energy and water efficient, flood resilient and adaptable, thereby facilitating the flexible re-use of the building. Where existing buildings are present, imaginative and sensitive solutions should be sought to achieve the re-use of the buildings.</p>
GP7 Environmental Protection & Public Health	Development will not be permitted which would cause or result in unacceptable harm to health because of land contamination, dust, instability or subsidence, air, heat, noise or light pollution, flooding, water pollution, or any other identified risk to environment, local amenity or public health and safety.
CE1 Routeways, Corridors & Gateways	<p>Development proposals should protect and enhance the appearance and connectivity of existing and future main route corridors and gateways into the city. the routes include:</p> <p>i) the M4 motorway;</p>
CE6 Archaeology	<p>Development proposals will normally be required to undertake an archaeological impact assessment before the proposal is determined:</p> <p>i) where groundworks and/or the installation of services are proposed within the archaeologically sensitive areas of Caerleon, the levels, lower Machen and the city centre , or;</p> <p>ii) within other areas of recognised archaeological interest.</p>
T4 Parking	Development will be required to provide appropriate levels of parking, within defined parking zones, in accordance with adopted parking standards.
M1 Safeguarding of Mineral Resource	<p>Development that would be incompatible with safeguarding hardrock or sand and gravel resources within the mineral resource areas as shown on the proposals map will not be permitted unless:</p> <p>i) the developer can demonstrate that working the resource is economically or physically impractical or would be environmentally unacceptable; or</p> <p>ii) the mineral resource will be extracted satisfactorily before the development is undertaken; or</p> <p>iii) the development is of a temporary nature and can be completed and the site returned to a state that does not inhibit extraction within the timescale that the mineral is likely to be needed; or</p> <p>iv) there is an overriding need for the proposed development; or</p> <p>v) the development constitutes householder development or would constitute limited infilling within an existing built up area.</p>

3.3 *Supplementary Planning Guidance*

The following adopted Supplementary Planning Guidance is relevant to the determination of this application:

- Archaeology and Archaeologically Sensitive Areas: gives advice on protecting the archaeological interest of application sites;
- Wildlife and Development: advises avoiding, mitigating and compensating for any harm to the nature conservation interest of a site;
- Parking Standards; advises on appropriate parking levels for developments in different parts of the city. The site falls into Zone 5 (Countryside), The SPG requires 3 Commercial Vehicle Spaces and 1 space per 10 seats or 1 space per 8 square metres of praying floor space for Chapels of Rest which is the closest landuse to crematorium cited in the SPG. 6% of the parking spaces should be for disabled persons. Cycle and Motorcycle parking should be provided as specified (1 bike stand per 50m² of public floor space & 5% of the provision for cars respectively).

4. CONSULTATIONS

4.1 DWR CYMRU / WELSH WATER: No objection, the applicant should contact CNC/NRW in relation to the proposed package sewage treatment works since a discharge licence may be needed.

4.2 WALES & WEST UTILITIES: No objection but advise of equipment in the area and safe working practices.

4.3 ANCIENT MONUMENTS SOCIETY: No objection but consider that the design is generic / derivative and question whether the design owes anything to the vernacular in the Gwent / Newport area.

4.4 HEDDLU GWENT POLICE (DESIGNING OUT CRIME OFFICER): No objection.

4.5 GLAMORGAN & GWENT ARCHAEOLOGICAL TRUST: Initially required an archaeological evaluation to be carried out. This was completed and no significant archaeology was found. The Trust now requires the application of a watching brief condition.

4.6 GWENT WILDLIFE TRUST / YMDDIRIEDOLAETH NATUR GWENT: Comments as follows:

- The hedgerows present the best opportunity for habitat for birds and reptiles but animals may be in the main site and an Ecological Clerk of Works should be appointed.
- It would be preferable if the hedge to be removed was transplanted,
- Ecological enhancement should be sought on the site, provision of 'wet meadow' in the parkland area would be beneficial,
- Impact on the SSSI via hydrology, water chemistry (phosphate loading) and air pollution is uncertain and the Trust maintains its objection.

4.7.1 CYFOETH NATURIOL CYMRU / NATURAL RESOURCES WALES (CNC/NRW): it is necessary that any planning permission granted has adequate controls that ensure new foul water discharges and changes to the surface and ground water regimes do not damage the special interests of the SSSI, and therefore is in line with Planning Policy Wales (5.5.8). Our advice is that appropriately worded planning conditions controlling the discharge of foul and surface water should be applied to any permission granted. It is also a requirement of the applicant that they apply for an environmental permit issued by CNC/NRW to discharge foul waters which can further ensure adequate protection of the SSSI.

4.7.2 A private sewage treatment plant discharging to a soakaway via a reed bed should be sufficient to protect the SSSI from any adverse impact from foul water discharge, however the locally high water table may make a soakaway ineffective potentially meaning the sewerage arrangements will need to be reconsidered. Any attempt to discharge a foul water condition should be twin-tracked alongside the application for the relevant permit since approval of a planning condition does not guarantee issue of the permit. Any foul water drainage scheme should be informed by an on-going process of hydrological monitoring which should be done inside and outside of the SSSI in close liaison with CNC/NRW. Surface water should be discharged to ground following cleansing of any hydrocarbons from the runoff.

4.7.3 In terms of emissions to air the principal concerns relate to sulphur dioxide (SO₂) and oxides of nitrogen (NO_x). Based on the submitted information NO_x put out by the crematorium would be a major risk to the SSSI feature through nitrogen deposition. As such the applicant must demonstrate that the NO_x emissions can be mitigated either as part of the planning process or via the environmental permitting regime. The applicant has refused to demonstrate the emissions can be mitigated via the planning process and is dependent upon the permitting regime to exert control. CNC/NRW has clarified to the applicant that this is possible but might require changes to the proposal to accommodate the means of mitigation, for example a higher smoke stack. This will have implications to the planning permission which ultimately may not be able to be implemented if modifications are required to achieve a permit or if built may not receive the necessary permit to operate.

4.8 WESTERN POWER DISTRIBUTION: Advise of equipment in the area and safe working practices.

4.9 ANEURIN BEVAN HEALTH BOARD: Last winter the Board had considerable difficulty in accommodating the number of bodies coming into the mortuary and at one stage the mortuary was over 40 bodies in excess of the fridge capacity. There is a 71 normal capacity at the Royal Gwent Hospital (RGH). The increased death rate for a prolonged period was one of the reasons identified (UK wide) and delays in moving bodies out for cremation was another reason with significant delays reported. There is an expectation that increased death rates may be with us for some time and so an increased capacity for cremations would be a means to alleviate that pressure and provide for a timely service. For our part we are increasing the capacity of the RGH mortuary but that is only likely a 'sticking plaster' due to space limitations at the site and does not address our responsibilities in terms of civil contingencies (major accidents etc.) particularly during the high occupancy months of the winter.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE (ECOLOGY): Comments as follows:

- Defers to CNC/NRW in relation to the interests of the Langstone and Llanmartin SSSI.
- Hedge loss is not harmful since the hedge is not species rich and compensation is possible,
- Bats forage along the hedgerows in the site which should be retained and enhanced in the interests of the 6 identified species foraging in the area, there should be controls over external lighting,
- I remain of the view parts of the site are of interest to reptiles but a reptile survey would be too onerous, particular interest lies in the hedges which should be retained and protected by buffer areas during construction.
- Birds, bird potential on the site should be enhanced by providing bird boxes (hedges need to be protected).

5.2 HEAD OF STREETSCENE (HIGHWAYS): Comments as follows:

- Works to the hedgerow and trees required to maintain visibility should be conditioned;
- Extension on the 30mph limit along Magor Road towards the site is not supported other mechanisms to control speed in the vicinity of the site entrance are preferable;
- Further work is required to ascertain the usage of the agricultural track that enters the Magor Road in the vicinity of the proposed access (the applicant proposes closing it up);
- The westbound bus stop (adjacent to Woodlands, Magor Road) should be reinstated;
- The right turn lane should be subject to a Stage 1 Safety Audit, if planning approval is forthcoming the applicant will need to enter into a Section 278 (Highways) agreement in relation to the works proposed in the adopted highway;
- Overflow parking should be provided to cater for occasional larger funerals, this should be grasscreted and is best located next to the site entrance;
- The proposed visibility splays are appropriate;
- Servicing and staff parking arrangements are appropriate;
- There are no capacity issues at the A40 / B4245 junction in Langstone.

5.3 HEAD OF STREETSCENE (TREES): Has no objection in relation to tree and hedge works that are proposed.

5.4 HEAD OF STREETSCENE (LANDSCAPING): These proposals seem reasonable, as regards effects on the landscape are concerned, apart from the tree distribution in the larger field: it is very 'spotty' in distribution, so not at all natural or in-keeping with the countryside. *I would like*

to see these small, isolated groups either made larger and linked together with more trees, or omitted altogether.

The formal landscape arrangements in the smaller field are fine. (A direct pedestrian link between the 'grasscrete' and main entrance could be added).

Visibility is mainly limited to views from the road: the building's massing is broken-up and the scale small and the colours muted, so effects are low-key and visually acceptable.

5.5 HEAD OF STREETSCENE (DRAINAGE): Despite submitting a comprehensive Flood Consequences Assessment the applicant should submit the technical details of the proposed drainage system.

5.6 HEAD OF LAW & REGULATION (NOISE & POLLUTION): No objection subject to the application of conditions in relation to:

- Noise and air quality assessments, including any necessary mitigation should be submitted prior to the commencement of development;
- Operational hours should be limited to the normal working day;
- Unforeseen contamination condition.
- The proposed operation will be subject to an Environmental Permit issued by the Local Authority.

5.7 HEAD OF LAW & REGULATION (SCIENTIFIC OFFICER): I am satisfied enough evidence has been presented to ensure there is unlikely to be a significant impact upon human health. However, I am uncertain if this information is sufficient to guarantee there will not be an impact on the SSSI. I would therefore defer to the judgment of NRW with respect to the need for an air quality assessment.

If permission were to be granted without NRW being satisfied and a permit application was made, a similar objection by NRW would likely remain, and the requirement for an air quality assessment. If an unacceptable risk was identified in the assessment that could not adequately be mitigated, the end result would be a facility that could not be used for its intended purpose.

5.8 HEAD OF REGENERATION, INVESTMENT & HOUSING (PLANNING POLICY): Comments as follows:

- In general terms, national and local planning policy discourages development in the countryside unless it would help to establish or serve a rural enterprise.
- Certain forms of development, however, are acceptable so long as they would not cause substantial harm to the character and appearance of the countryside, to the integrity of ecologically or architecturally sensitive areas or buildings, or to efforts to secure "sustainable" forms of development — that is, those that minimise the use of private motor vehicles and concentrate services and facilities in, or at least near to, residential areas.
- TAN 23 states that land may be *identified* in "less [sequentially] preferable" locations if the resulting benefits would outweigh any adverse effects of the development. There is no reason to believe that LPAs could not take the same approach to development proposals. In this instance, one could argue that the benefits (see "Need" below) justify a departure from policies that seek to protect the countryside.
- It is clear that crematoria require spacious and largely undeveloped sites that are set well back from dwellings. Sites of this nature are scarce in the urban area, and those that are available, such as industrial estates and landscaped business parks, are unlikely to be suitable or commercially feasible.

- A crematorium in this location would probably do little to encourage the use of public transport, but it would represent an important and, according to the submitted information, much-needed community facility.
- The proposed crematorium may, however, reduce the average duration of funeral-related car journeys in the region. In so doing, it would support national and local sustainability objectives without strictly complying with them.
- In view of these points, the construction of a crematorium in this location is acceptable in principle.

Site selection

- Judging from the submitted document, the applicant's site-selection process was not exhaustive, but operational requirements (which reflect the constraints of the Cremation Act 1902) inevitably excluded many sites inside the settlement boundary.

Need

- The information submitted by the agent suggests that the crematorium would fulfil a local, and perhaps a regional, need.
- This need appears to be both quantitative and qualitative – that is, in simple numerical terms, there is a demand for a new crematorium in the area, and the satisfaction of that demand would create a more dignified experience for mourners.
- Quantitative need: In accordance with informal industry guidelines, to which several planning inspectors appear to have attached weight, the crematorium would serve approximately 140,000 persons who could either drive to the site in thirty minutes (at a speed suitable for a cortege) or reach it more quickly than they could one of the other crematoria in the region.
- Qualitative need: The Greater Gwent Crematorium appears to be operating far beyond its capacity. As a consequence, a bereaved family in Newport may have to choose between waiting several weeks for a funeral in Cwmbran and undertaking a lengthy journey to the Forest of Dean Crematorium. Neither option is considered desirable in such circumstances.

Merits of the site

- The site has several favourable attributes: first, its proximity to the settlement boundary and other villages; second, the presence of at least one bus stop within walking distance of the proposed entrance; third, the presence of a public footpath along Magor Road; and, lastly, the presence of trees and boundary hedges, which would not only provide a measure of screening from public viewpoints, but also help to distinguish the development from adjacent fields.

Visual impact

- The construction of parking spaces, driveways and footpaths in the countryside is not ideal, but existing trees and hedges, favourable topography and careful design might nevertheless allow the crematorium to sit discreetly in the countryside.

Agricultural land

- In a specially prepared report, an agricultural consultant identifies the application site as "Grade 3b" land (that is, not the best and most versatile land).
- In this respect, therefore, the proposal would not be contrary to national or local policy.

Mineral safeguarding

- The applicant needs to confirm whether the application site contains valuable sandstone. If it does, the applicant must justify the proposal in accordance with LDP policy M1.

Summary

No objection to the principle of development, but the application must confirm whether the land contains valuable sandstone and, if necessary, justify the proposal in accordance with LDP policy M1.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties within 100m of the application site were consulted (4 properties), 2 site notices were displayed on Magor Road opposite the site and on Chepstow Road, and a press notice was published in the South Wales Argus on the 20th June 2015.

34 responses were received 20 in support and 10 objecting (4 making comments / queries only and expressing no opinion either way).

Points made in favour were:

- Gwent Crematorium (Cwmbran) is oversubscribed, there are long waiting times, up to 5 weeks, this facility is much needed
- The facility would be privately funded at no cost to the tax payer,
- The site is highly accessible including by public transport (3 buses per hour between 10:00 & 16:00),
- The rural setting (tranquil) is appropriate given the proposed use and the development is sensitive to its rural surroundings,
- The B4245 (Magor Road) is not heavily trafficked and can absorb the additional traffic flows.
- There are footways on the Magor Road which aids foot access,
- Travel times for Newport people will be reduced since this proposal is nearer to Newport than the Cwmbran site,
- The proposed building and its gardens are appropriate in the setting,
- Reduced delays will provide comfort to bereaved families,
- Services at Cwmbran are rushed due to pressure on time slots, this is undignified,
- The needs of the wider community should be considered as well as those in the immediate vicinity,
- The applicant is an experienced and competent operator of crematoria.

Points made against were:

- The proposal does not accord with the adopted LDP since the site is in the countryside and is not allocated for development,
- There is unused capacity at Cwmbran crematorium,

- The proposal will adversely impact on the Llanmartin & Langstone Meadows SSSI,
- The traffic generation will adversely impact on the amenity of local residents
- Provision of the right turn lane will necessitate removing hedges, this will harm rural character,
- People will park in Magor Road adversely impacting on highway safety,
- Local road infrastructure is inadequate, congestion is common, funerals will be delayed or missed,
- A brownfield site should be identified,
- Scattered ashes will adversely impact on the SSSI,
- Cattle crossing the road will delay funerals,
- Local roads cannot cope with increased traffic volumes,
- The site is close to dwellings,
- Smokestack emissions will harm the adjacent SSSI and human health,
- Other sites are available and would be better,
- The process is 'industrial' and not appropriate in the countryside,
- There is insufficient parking proposed,
- Horse drawn corteges will hold up traffic,
- The site is below sea level and will flood,
- The proposal is not viable,
- The A48 / B4245 junction is already congested,
- Magor Road is very busy if the M4 is shut
- Magor Road is a busy horse riding route and more traffic will spoil it,
- The proposal will harm a neighbouring horse business which may no longer be viable,
- Agricultural land will be lost,
- The site is highly visible, visual amenity will be damaged,
- There will be more than the 4 proposed funerals per day,
- Loss of business from Cwmbran crematorium will necessitate higher taxes to cover any deficit,
- If allowed a precedent for further development will be set,
- The site is badly drained and is water-logged,

- Pedestrians find it difficult to cross Magor Road now, this will be worsened
- Archaeological remains may be damaged,
- Magor Road floods in wet weather and funeral corteges will not be able to access the site.

6.2 COUNCILLOR ATWELL: Objects strongly for the following reasons:

- Experience at the Cwmbran crematorium shows that the provision of 92 spaces at that facility is inadequate and parking frequently overflows onto the adjacent lane. Magor Road is a busy road serving many local residents and businesses and is very busy if the M4 is shut. The B4245 (Magor Road) is inadequate to serve the development proposal and there are safety considerations including the crossing of 200 cattle once a day in close proximity to the site.
- Scattered ashes may adversely affect the water quality of water reaching the adjacent SSSI impacting on flora.
- The site is low lying and provides somewhere for water from the Magor Road to run-off
- The Newport Local Development Plan does not support the development of the site (countryside),
- Gwent Crematorium has capacity – the proposal is not needed
- The proposal will create little in the way of employment
- Controlling the number of funerals at 4 per day would not be practicably enforceable and any request to increase the number would be difficult to resist once the crematorium is built,
- The emitted fumes would have an adverse impact on human health
- Failure to support the LDP would see the public lose confidence in the plan and the Council's commitment to consistent decision making and protection of the countryside.

6.3 LANGSTONE COMMUNITY COUNCIL: Object to the application for the following reasons:

- The site is not allocated for development in the adopted Local Development Plan,
- Parking provision is inadequate and could overflow onto Magor Road,
- The additional traffic in the local highway network will add to existing congestion and worsen situations when the M4 is blocked,
- Phosphates and Sulphides from ashes may be washed into the SSSI and have an adverse impact upon it.
- Submit a survey of local opinion which the Community Council summarises as '*opinions are 50% against the proposal and 50% in favour/no strong feelings*'.

6.4 BISHTON COMMUNITY COUNCIL: Acknowledges benefits of the proposal (jobs, increased opportunities for local businesses and need for the crematorium) but objects for the following reasons:

- Archaeological interest of the site,
- Impact on the already busy Magor Road from up to 492 additional vehicle movements per day,
- The site is allocated as greenfield in the Newport Local Development Plan,
- The site will be visible from Underwood,
- The proposal could contaminate the adjacent SSSI (scattered ashes).

7. ASSESSMENT

7.1 The key considerations in relation to this application are:

- Whether the proposal is appropriate in this location (principle of the development),
- Visual and Landscape Impact of the proposal, (Character and Appearance)
- Impact on the archaeological resource,
- Impact on the proposal on the adjacent SSSI and proposed foul drainage
- Adequacy of the car parking provision within the site
- Mineral safeguarding

Other minor issues are:

- Bio-diversity on the site
- Hedgerows and Trees
- Highway Impacts – access and the wider network
- Loss of agricultural land
- Flood risk

7.2 *Principle of the Development*

7.2.1 The site is in the countryside and as such development would normally be precluded under national and local policy unless it supported the rural economy, it was necessary for development to be in a rural location and did not undermine rural character unacceptably. On its face the proposal does not meet that requirement being for a use for which a rural location is not essential. As such there would be a presumption against the development under national policy and local policy SP5 (Countryside) and SP1 (Sustainability) with the latter policy (in alignment with national policy) seeking developments to be in sustainable locations, that is within the urban area and preferably on previously developed land. However that policy emphasis does not preclude non-conforming development within rural areas since other material considerations need to be taken into account and these may outweigh any policy objection.

7.2.2 The proposed use is as a crematorium. Other streams of control place restriction upon the locations of such facilities. The Cremation Act 1902 states that no crematorium may be within 200 yards (183 metres) of a dwelling (without the written consent of the owner / lessee / occupier) or within fifty yards (46 metres) of any highway. This requirement significantly reduces the urban locations that are realistically available to the use. In addition the use is one of great sensitivity being a facility where bereaved families formally say goodbye to loved ones at a time of emotional difficulty and may return to, to remember their loved ones at sensitive times such as birthdays or other family occasions. As such locations must be tranquil, attractive and dignified to give an appropriate location for mourning and remembrance. The required site area is normally 5-6 Ha (applicant's planning statement). These locational requirements will significantly reduce locations

within the urban area that are suitable, assuming they are available. Normal development control considerations such as access, neighbour amenity & visual impact, among others also remain pertinent.

7.2.3 The applicant has addressed the availability of sites in the Newport / South Monmouthshire area through a 'Site Search Document' (May 2015). The document used the location of existing crematoria to identify the key area of under provision and thereby the appropriate search area. This approach selected east Newport and associated areas of Monmouthshire as the area of search. Areas with designations that restricted development potential were excluded, such designations include greenbelt, Flood Zone C and other similar designations that would limit the development potential of the site. This approach in combination with the limitations set out by the Cremation Act and the need to be accessible allowed the identification of potential sites. Some of these could be further discounted due to development management considerations that went against them, for example high levels of visual and landscape impact on elevated sites or location within special landscape areas or location on unsuitable brownfield sites (allocated for other uses and an inappropriate environment for the end use). This sifting process identified the application site as the most suitable in terms of location, size, impact on adjacent landuses and with a reduced policy objection since it was not subject to any special landscape or other designations.

7.2.4 In terms of need the applicant has considered that under a 'Need Document' (May 2015). This notes that Newport is mainly served by the Gwent Crematorium (Cwmbran) and one in the Forest of Dean. This concludes demand on the Cwmbran crematorium is very high in real and relative terms (since it has only one chapel whilst those which are busier in terms of demand have two chapels, so in relative terms demand is lower). Demand at Cardiff is also noted as being high. The report concludes that South East Wales is one of the least well served parts of the country in terms of demand for cremation. The Forest of Dean facility is an hour's drive from Newport and is considered not to be sufficiently accessible to meet Newport's demand. The report concludes the new crematorium would reduce pressure at Cwmbran and reduce journey times and distances. The report concludes that the identified catchment of 141,354 people is close to the notional ideal catchment of 150,000 people and the reduction of travel times to within 30 minutes also aligns with accepted industry standards. In conclusion the report notes that 62,672 people would live within the 30 minute drive time and a further 91,365 would live nearer to the new facility than existing ones thereby bringing significant benefits.

7.2.5 In terms of improved performance at Cwmbran crematorium the report notes that the key times for the users would be between 10:00 and 15:00 and the existence of availability outside of these core hours is not attractive to users and would offer a poor service in qualitative terms since families may need to travel from afar meaning early starts and because most funerals will proceed to a funeral tea. As such the real capacity of a crematorium is restricted by the preferred time slots of users. The report also notes demand is seasonal with winter demand being higher. The Report notes that the Cwmbran crematorium cannot meet the guideline of funeral slots of minimally 45 minutes due to the extent of oversubscription. The applicant points to delays of around the three week mark in cremations as being typical due to the level of oversubscription at the Cwmbran facility, normal good practice would see funerals arranged within a week (subject to there being no coroner interest). The need assessment also notes the increase in cremation rates since the Cwmbran facility was constructed (34% to 75%) in association with the increased and ageing population. The report concludes that the Cwmbran site has no potential to expand due to the constraints of the site. An additional point is made in relation to the width of coffin that can be accommodated at Cwmbran (31 inches), the new crematorium would be able to accommodate 41 inch coffins serving an unmet need and reducing the need to travel outside the area to a suitable facility where larger coffins are involved.

7.2.6 No convincing evidence has been provided to dispute the applicant's assessment of need. It is clear that the Cwmbran facility does not have capacity within the preferred time slots of users and that demand is significant and likely to grow in the future. Sustainability would not be enhanced with an expectation that the bereaved should travel outside the Gwent area to use other crematoriums. In any event this would not improve the experience of mourners which is a point

that should be given significant weight. This is confirmed in relevant appeal decisions. As such although located outside the urban area, but still proximate to it, the site would offer sustainability advantages by reducing journey times and distances. The applicant has assessed the saving as being 79,418 miles per year which would significantly offset harm to sustainability caused by location outside the urban area on a greenfield site. In terms of the ex-urban location the site is adjacent to the urban area. It could in no way be seen as a rounding off of the urban area or an organic growth to it and it would clearly comprise an extension of development into the countryside. However Planning Policy Wales (PPW) at Paragraph 4.7.8 advises that *'development in the countryside should be located within and adjoining those settlements where it can be best accommodated in terms of infrastructure, access and habitat and landscape conservation'*. To some extent this advice is complied with, the site is on the edge of the established urban area in a location where infrastructure and public transport links are available. The same paragraph also advises that *'all new development should respect the character of the surrounding area and should be of appropriate scale and design'*. The appearance of the development is considered at Paragraph 1.2 and is considered to meet this requirement.

7.2.7 As such despite the non-compliance with Policy SP1 the harm to sustainability is significantly mitigated by the travel savings the proposal would confer and its location close to the urban area on a site that can be served by existing infrastructure. As such the harm to Policy SP1 is considered to be minor and would not weigh heavily against the proposal.

7.2.8 The proposed site has a rural location. PPW Paragraph 4.7.8 is clear that *'new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled'*. However Paragraph 7.3.2 clarifies further in regard to rural development stating *'New development sites are likely to be small and, with the exception of farm diversification and agricultural development to which separate criteria apply, should generally be located within or adjacent to defined settlement boundaries, preferably where public transport provision is established. However, some industries may have specific land requirements which cannot be accommodated within settlements. The absence of allocated employment sites should not prevent authorities from accommodating appropriate small-scale rural enterprises in or adjoining small rural settlements'*. This paragraph is clear that where an industry has specific land requirements which cannot be accommodated within settlements a rural location can be considered. The sought use has particular land needs involving separation from highways and homes and the requirement for a site of high physical quality which makes it unsuited to brownfield locations and most locations within the urban area. This is not to say that some urban locations would not be appropriate but the applicant has not been able to identify a suitable site that is suitable and available within the area of search and officers consider that the search is sufficiently robust to be relied upon. Consequently the default to a rural location is allowed under national policy and is considered acceptable in this instance whilst remaining subject to other appropriate development management considerations. Officers conclude that the requirement for a rural location is made out in this instance and any harm to sustainability interests (Policy SP1) is minor and not harmful.

7.3 Character & Appearance

7.3.1 The proposed building is as described in Paragraph 1.2 of this report. The applicant has produced a 'Landscape and Visual Impact Assessment' (LVIA) which looks at the development's impact on landscape character and visual amenity. The LVIA assesses the sensitivity of the landscape to change (negligible to high) and the magnitude of the impacts that might affect that landscape (negligible to substantial). The overall significance of any landscape effect can then be worked out as being 'major' to 'no effect' when the magnitude of the change is factored against the sensitivity of the landscape.

7.3.2 The LVIA describes the base conditions of the site noting it is *'an undulating, lowlying area surrounded by agricultural fields to the north and west, marshy grazing land to the southwest and horse pastures to the east. Overgrown hedgerows, tree belts and a network of ditches and streams divide the surrounding fields'*. It notes the two fields are laid to grass, are enclosed by dense hedgerows. The LVIA notes the area falls within the Penhow Lowland aspect area of Natural

Resources Wales' LANDMAP database which gives the area an overall rating of 'moderate'. The nearby settlements of Langstone and Underwood are rated as 'low' in value but higher valuations are given to the rising land to the north. The LVIA notes Ford Farm is listed and considers the effect of the proposal on this building. Other listed buildings are considered to be remote and disconnected from the site as are any designated landscapes such as the Wentwood Special Landscape Area. The LVIA notes that the development would maintain the generally open nature of the northern part of the site with the built development being set below the road level and set back from the road. The chimney would not breach the skyline and would be seen against a wooded back-drop.

The Landscape Assessment reaches the following conclusions:

Affected Landscape Feature	Significance of Landscape Impact
Vegetation	Minor beneficial (additional planting)
Penhow Lowlands Aspect Area	Moderate / Minor Adverse effect – extension of built development
High ground to the north (Wentwood & Kemys Graig)	No change – due to separation distances
Langstone & Underwood	No change – due to lack of visual connectivity
Celtic Manor Golf Course & Llanwern	No change – due to degree of separation and lack of connectivity

7.3.3 Overall the worst impact on Landscape Character is upon the Penhow Lowlands aspect area. This is considered to be an area of moderate value under LANDMAP's Visual and Sensory layer. The identified impact is considered to be moderate / minor adverse which the LVIA identifies as not being significant in terms of the Environmental Impact Assessment Regulations. Nevertheless an adverse impact on landscape character has been identified. Officers consider the overall assessment to be fair.

7.3.4 In visual terms the sensitivity of receptors (viewers) is assessed (negligible to high) and the magnitude of the proposed changes is also assessed (negligible to substantial). The significance of the visual effect of the proposal is ascertained by balancing the sensitivity of the receptor against the magnitude of the change proposed. Significance varies from Major to none.

The proposal's visual impacts are summarised as follows:

Viewer	Significance of Visual Impact
Magor Road (pedestrians and higher vehicles)	Moderate adverse impact reducing to moderate/ minor adverse as planting matures due to the scale of the building, its setting and the scope for planting on the site. Notes impacts on drivers of lower vehicles would be negligible reducing to minor beneficial as planting matures.
Nearest Dwellings	Moderate adverse impact reducing to moderate/ minor adverse as planting matures due to the scale of the building, its setting and the scope for planting on the site in combination with the separation of the buildings, the masking effect of the landform and the oblique views of the building.
Court Farm, general views from the east	No effects are anticipated at completion of the development due to the screening of the site. Maturation of additional planting would be minor beneficial.
M4	No effect due to the density of screening vegetation.

7.3.5 The LVIA concludes that in visual terms *'the visual effects are anticipated to a limited number or receptors along Magor Road, restricted by vegetation within the surrounding landscape and topography, particularly the high ground within the centre of the site. The crematorium would largely be screened from view from the south, east and west with views available from high ground to the north at such a distance that the proposals would be difficult to discern'*. Officers consider this to be a fair summary of the visual impacts of the proposal.

7.3.6 Relevant NLDP Policies are GP5(v) (landscape quality) and GP2(ii) (visual amenity and the character and appearance of the surrounding area). Policy GP5(v) is caveated that development must have no unacceptable impact on landscape quality. Policy GP2(ii) requires that the development is not detrimental to visual amenity and the appearance and character of the area. Officers consider that Policy GP5(v) is met since the impact on landscape interests is moderate reducing to minor within the vicinity of the site with impacts tailing off at distance. The harm to landscape character is not considered to be significantly harmful. In terms of visual amenity the Policy test is strict in the sense there should be no detrimental impact. The LVIA identifies a moderate adverse impact for some viewers of the site reducing to minor as planting matures, as such is strict terms Policy GP2(ii) is not complied with. However the harm to visual amenity is considered to be low initially reducing to slight as time goes by, this is not considered to be a significant harm that would justify refusing planning permission for the development in itself.

7.4 Impact on the archaeological resource

7.4.1 The Glamorgan & Gwent Archaeological Trust (GGAT) requested that an archaeological evaluation be carried out on the site. Fifteen trenches were dug with some prehistoric and Roman artefacts being found. It was assumed the Roman roof tile found came from the Ford Farm Roman Villa (located south of the site adjacent to the M4). Other trenches revealed post holes. The southern trenches found clay at shallow depth which indicated there may have been a waterbody there recently. GGAT confirm that the Archaeological Evaluation has been carried out to the correct professional standards and ask for a watching brief condition to be applied to protect the continuing archaeological interest of the site. Subject to this the Trust has no objection.

7.4.2 Policy CE6 (Archaeology) requires that an archaeological impact assessment should be carried out in areas of recognised archaeological impact. This has been done and this policy has been complied with. Policy SP9 (Conservation of the Natural, Historic and Built Environment) requires the conservation, enhancement and management of recognised sites. Given the limited nature of the archaeological resource identified and its thorough investigation it is considered that this policy is complied with.

7.5 Impact of the proposal on the adjacent SSSI and proposed foul drainage

7.5.1 The Langstone and Llanmartin Meadows SSSI lies to the immediate south of the site. This site is marshy grassland. As such the quantity, quality, depth of water table and routing of surface waters through the site is key. The applicant provided a superficial assessment in relation to these factors in his 'Site Specific Flood risk Assessment' but Cyfoeth Naturiol Cymru / Natural Resources Wales (CNC/NRW) did not consider this information to be sufficient. Further SSSI related concerns were raised in relation to air quality and how that might affect the SSSI. Although an activity subject to the permitting regime (a separate stream of control) CNC/NRW advise that consideration to the impact on the SSSI was made as early as possible since no permit would be issued for any activity likely to harm the SSSI. They further note that harm can be offset usually by raising smokestack height which has planning implications. Additionally impact on the environment (including the SSSI) is a material planning consideration. As such the applicant would need to demonstrate the proposal poses no unacceptable harm to the interests of the SSSI.

7.5.2 The applicant has submitted an Eco-hydrological Assessment which concludes that the impact of the proposal on the adjacent SSSI is likely to be negligible since the developed area is a small part of the overall site. Discharge from the attenuation pond will be controlled to closely match the natural rate and the use of a package sewage treatment works in combination with a reed bed will protect water quality. CNC/NRW comment that in theory the proposed foul drainage

scheme would protect the SSSI but conditional controls will be necessary in order to require the applicant to conclusively demonstrate that the proposed drainage proposals will work. CNC/NRW advise that runoff should drain to ground but must be cleansed of hydrocarbons prior to final discharge. This can be achieved via conditional controls.

7.5.3 CNC/NRW also notes the reliance on a package treatment plant for sewage disposal. The area is sewered and national policy (Welsh Office Circular 10/99, Non-mains sewerage) prefers connection to the sewer over the use of package treatment plants. The circular allows a default to package treatment plants if it can be shown connection to the sewer is not feasible due to practicality and cost. National Policy (the circular) is reflected in NLDP Policy GP3(ii) (Service Infrastructure) where connection to a sewer is required unless exceptional circumstances can be shown. CNC/NRW notes that pollution incidents that could adversely affect the SSSI are more likely if a package treatment plant is installed.

7.5.4 The applicant has responded to these concerns noting that the onsite buildings are set below the level of Magor Road for legitimate development management reasons (to reduce visual impact). They note pumping to the sewer will mean a pipe run of some 140m and the provision of a pumping station with above ground kiosks, venting pipework and perimeter fencing which would have an adverse visual impact upon the site and upon the character and appearance of the surrounding area. The package treatment plan will discharge to the onsite attenuation pond and the applicant considers there is scope for secondary processing if necessary. Overall they conclude the proposed sewage treatment is preferable, controllable and will have no impact on the SSSI or the wider environment. On its face the proposed sewage treatment plant is not compliant with policy however the applicant's justification is considered reasonable given the separation from the road / sewer, the adverse visual impact of the infrastructure required and the controls over the discharge (CNC/NRW permitting regime) mean that failure to connect to the mains is justifiable in Officers' opinion and will not result in any environmental harm and is therefore policy compliant.

7.5.5 CNC/NRW are of the view that the development could have an adverse impact on the SSSI via nitrogen deposition. The applicant has chosen not to address this point at the planning stage and instead relies upon the permitting regime administered by the Council's Environmental Health Section. In effect the crematorium cannot operate without this permit which will control the emissions. As part of the permitting process the Council will consult CNC/NRW and any impact on the SSSI will be material as to whether the permit is issued or not. The permitting advice suggests planning permission and the permit are pursued contemporaneously since physical amendments to any submitted scheme may be required to enable the permit to be issued (higher smokestack for example). However this is advised and is not mandatory. In the worst case scenario the applicant may find themselves in a position where they have planning permission but cannot achieve a permit. This is a risk the applicant has chosen to run. In terms of planning mandate Paragraph 13.10.2 of Planning Policy Wales offers this advice:

Planning authorities should operate on the basis that the relevant pollutant control regimes will be properly applied and enforced by other agencies. They should not seek to control through planning measures, matters that are the proper concern of the pollution control authority. These regimes are set out in the Environment Act 1995, the Environmental Protection Act 1990, the Water Resources Act 1991 and the regulatory regimes introduced by the Pollution Prevention and Control Act 1999. Each of these may have a bearing on the environmental controls imposed on the development in respect of environmental and health concerns and planning authorities will need to ensure that planning conditions do not duplicate or contradict measures more appropriately controlled under these regimes.

7.5.6 In effect planning should not duplicate other powers, in this case the permitting regime implemented under the Pollution prevention and Control Act. This is reemphasised in the Welsh Government's Conditions Circular (016/2014) which states at Paragraph 3.12 that:

For example, a planning condition would not normally be appropriate to control the level of emissions from a proposed development where they are subject to pollution control. However, a

condition may be needed to address the impact of the emissions to the extent that they might have landuse implications and are not controlled by the appropriate pollution control authority.

7.5.7 The above advice does offer the caveat that emissions even when controlled under non-planning regulations are capable of being a material consideration if there is an impact on a landuse planning interest. The Conditions circular also notes that a condition may be required to control pollution from an otherwise regulated activity if there is a harm to a planning interest, for example, if the regulatory regime lacks the necessary level of control. In this case there would be no 'regulatory gap' where harm could arise since the interests of the SSSI would be specifically considered under the permitting regime. As such the planning interest (protection of the SSSI) can be achieved under the permitting regime and no harm can be anticipated that requires an additional level of planning control exceeding that of the permitting regime. Therefore in this case the permitting regime can be relied upon to protect the planning interest in terms of the SSSI and human health and there is no need to duplicate that control in this application. That said the applicant runs the risk of achieving a permission he cannot use – he is aware of this and has chosen to accept that risk. It is not considered that the risk of the crematorium not achieving an environmental permit is a reason to withhold planning permission. Nor is it considered there is any risk to the interests of the SSSI if permission is granted.

7.5.8 As such the impact of the proposal on the SSSI (& human health) can be controlled via the permitting process and there is no reason to duplicate that control under this planning application. There is a risk that the applicant will be unable to get a permit for the proposed scheme which will mean the crematorium cannot operate or that to get a permit, material amendments to any approved scheme will be required. The applicant understands this and proceeds at his own risk since he has chosen not to address the permitting issue at this early stage (as advised in the relevant guidance). Overall this omission is not a reason to refuse planning permission since national advice is clear that where other streams of control exist then they should be relied upon and not duplicated. In this case the permitting regime provides the required level of control and additional planning controls are not required.

7.6 *Adequacy of the car parking provision within the site*

7.6.1 The proposal will provide a total of 74 customer parking spaces (4 disabled) and 4 staff parking spaces (1 disabled). An overflow parking area is to be provided (approximately 20 additional spaces). The site is considered to lie in Zone 5 (Countryside) as identified in the Newport City Council Parking Standards 2015. This document lays out the appropriate levels of parking that different developments in the different zones of the city should provide. The closest use to crematorium specified in the standards is Chapel of Rest which should provide 3 operational vehicle spaces (staff and service vehicles) and 1 space per 10 seats or 1 space per 8 square metres of praying floor space. Disabled spaces should be 6% of the car park provision for users of the facility and one space per disabled employee. Appropriate levels of cycle and motorcycle parking should be provided.

7.6.2 The Planning Statement identifies that the chapel will hold 100 seats. Drawing NPT01_P(0)006A (Proposed Ground Floor and Surrounds) shows a floor area of close to 120 square metres and 91 seats. As such the provision would be 10 customer spaces by seating count or 15 spaces on floor area. The proposal exceeds this level of provision significantly. Local residents have raised concerns over the quantity of parking considering it to be insufficient based on the experience at the Cwmbran crematorium. However the numbers are sufficient by the parking guidance and it should be noted that much of the parking congestion at Cwmbran arises from the overlap of services which is a product of the oversubscription of the facility and the narrowness of the allocated time slots. The new facility would not operate at the same level of intensity as Cwmbran since it will in effect divert trade away from Cwmbran and so the overlap phenomenon would not be as marked. In any event overflow parking is proposed in the event that two larger funerals do overlap. No details of bicycle or motorcycle parking have been provided however there is ample space on site so this can be sought under condition. Disabled parking is

deemed adequate. As such there is no objection to the proposal on parking grounds and the proposal is considered compliant with Policy GP4(iv) (Highways & Accessibility - parking). Additionally time slots of sufficient duration can be conditioned to minimise the risk of 'overlap' between services thereby evening out parking demand and significantly reducing the prospect of parking oversubscription.

7.7 Mineral safeguarding

7.7.1 The site lies within an area of mineral safeguarding for sand and gravel and part of the site is safeguarded for hardrock. The applicant has produced an assessment of the mineral resource on the site concluding the site has a covering of loose material consisting mainly of clays and some gravels weathered out of the basal rock. The site was underlain by mudstones at a depth of 7m. None of these materials was considered to have any practical use or commercial value. As such there was no mineral resource to be safeguarded on the site. Policies SP21 (Minerals) and M1 (Safeguarding of Mineral Resource) are not applicable to the proposal.

7.8 Bio-diversity on the site

7.8.1 The applicant has provided an 'Ecological Impact Assessment' and surveys relating to reptiles/amphibians, birds and bats. An addendum to the Ecological Impact Assessment was also submitted to deal with the hedgerow removal issue. The Ecological Impact Assessment and its addendum makes the following assessments:

	Construction Impact	Operational Impact	Possible Mitigation
Statutory Sites	No effect	Potential impact acknowledged	Construction good practice
Non-statutory Sites	N/A	N/A	
Grassland	Moderate Adverse (permanent loss of poor quality grassland)	Moderate Adverse (permanent loss of poor quality grassland)	
Hedgerows and Trees	Minor / Moderate Adverse	No effect	Buffer strips, Compensatory planting will have a major beneficial effect.
Badgers	Minor Adverse (no setts on site but potential for foraging)	Minor Adverse (loss of potential foraging)	Exclusion from construction site
Bats	Minor adverse	Minor to moderate adverse (loss of foraging)	No construction when bats active, No lighting / controlled lighting at night
Birds	Negligible (loss of grassland)	Minor to negligible adverse (loss of foraging & disturbance)	Site clearance outside nesting season
Reptiles	Negligible (reptiles unlikely to be present)	Negligible (reptiles unlikely to be present)	Reptile fencing during construction
Great Crested Newts	Negligible (newts unlikely to be present)	Negligible (newts unlikely to be present)	

7.8.2 Residual effects post mitigation are summarised as follows in the Ecological Impact Assessment:

Receptor	Nature of Effect	Significance
Construction		
Habitats	The loss of one third of the grassland within the Application Site	Moderate Adverse
Bats	During construction there would be a reduction in the area available for foraging.	Minor Adverse
Badgers	Reduced foraging opportunity	Minor Adverse
Birds	Reduced foraging opportunity	Minor Adverse
Reptiles and GCN	Reduced foraging opportunity	Minor Adverse
Completed Development		
Habitats	Habitat creation using native plant species of local provenance that will provide a greater diversity than currently present	Major Beneficial
Bats	No predicted significant residual effects	Negligible
Badgers	No predicted significant residual effects	Negligible
Birds	Creation of new habitat	Moderate Beneficial
Reptiles and GCN	No predicted significant residual effects	Negligible

In effect the Ecological Impact Assessment states construction impacts post mitigation will be adverse but not significantly so (and transient) and operational effects will vary between negligible and beneficial due to scope for enhancement. Enhancement can be secured under condition and national planning policy (Technical Advice Note 5 – Nature Conservation and Planning, paragraphs 4.1.1 & 4.6.4) allows the seeking of enhancement of bio-diversity within development sites regardless of the ecological paucity of the site prior to development through the use of planning conditions.

7.8.3 The applicant has submitted a ‘Bat Activity Survey’ (September 2015). This involved 3 surveys in June, July and September 2015 and concludes that the site has good bat potential. No roosts were identified on the site but the site is used by bats for commuting and foraging, especially the hedge on the southern boundary. The report concludes that this hedge should be protected, external lighting should be controlled and enhancements to floristic diversity could increase the number of invertebrates on the site benefitting bats by increasing their food supply.

7.8.4 The applicant has submitted an ‘Ecology – Bird Survey’ (September 2015) report. The site was surveyed in June and July 2015. The survey identified 16 species in the hedges and associated scrub with 10 species showing breeding behaviour. The report makes no recommendations but does further reinforce the importance of the hedgerows on the site for bio-diversity interests.

7.8.5 The applicant has provided an assessment of the site and its suitability for reptiles and concludes that the fields themselves have a low potential but the hedges may provide connectivity between suitable habitats. The importance of the hedges is reemphasised.

7.8.6 In Policy terms Policy GP5(ii) (Natural Environment) of the adopted NLDP is relevant. This seeks the avoidance, mitigation or compensation for any adverse impact on conservation interests. The submitted ecological information clearly identifies the hedges on the site as the key environmental resource. These are to be retained other than the removal of 18m to form the new site access and two smaller holes to allow footways to be formed into the memorial parkland from the built section of the proposal. The 18m of hedge lost will be

compensated for by a longer section of new native hedgerow to be planted within the site so this loss is not considered harmful in overall terms nor is it considered to be especially damaging to the overall connectivity of the local hedgerow network. Further compensation can be sought under an Ecological Enhancement Plan that can be secured by condition and would provide suitable compensation for the lost areas of hedgerow and poor quality (in ecological terms) grassland. The hedges that are to be retained can also be protected under conditions specifying no removal beyond that agreed and suitable buffer strips during construction work. Overall it is considered that Policy GP5ii is complied with.

7.9 *Hedgerows and Trees*

7.9.1 The application will require the removal of approximately 18m of hedgerow to create the access point from the Magor Road. Retained hedges to the west of the entrance will need to be trimmed back to provide the necessary visibility as will a hedgerow tree (crown lifting). To the east no hedge works are required. The proposal also requires the provision of a dedicated right turn lane in Magor Road which will necessitate widening the running surface of the carriageway to make room for the right turn lane. This will not require the removal of the hedge on the northern side of the Magor Road. The Tree Officer and the Ecology Officer have been consulted and do not object to the proposal in relation to hedgerow loss. The planting scheme will provide 25m of replacement native hedging within the site. This can be required under condition. The applicant also notes scope for reinforcement planting in existing hedges, scrub planting and the potentiality for transplanting the removed hedge. The adopted Nature Conservation SPG requires compensation at 150% of the loss (27m) to cover any qualitative loss of nature conservation value since new habitats will be less well established and will have a lower nature conservation value than the removed habitats. In this case the 25m replacement is slightly deficient but not materially so and therefore the proposal is acceptable. The landscaping scheme also allows for significant areas of tree and shrub planting which will potentially enhance the bio-diversity of the site subject to controls over details (native species) and management. This can also be achieved by condition. The proposal is considered to be compliant with Policy GP5(vi & vii) (Natural Environment – Landscaping & Trees) since extensive landscaping is proposed and trees & hedges are either retained or any loss is compensated for.

7.10 *Highway Impacts – access and the wider network*

7.10.1 The applicant has submitted a Transport Statement which considered the baseline conditions on the local highway network and then looked at the impact of the development proposal. The Statement notes traffic levels on the network fall off during the day when most services will take place and concludes that local junctions are working within their capacities. Accident data showed 4 accidents on the Magor Road between 2011 & 2013 all being 'slight'. There were three accidents near the A48 / B4245 junction over the same period, again they were 'slight'. The Statement assumes 1102 service per annum (4.2 per day, excluding weekends), this amounts to between 4 and 5 funerals per weekday. The Statement assumes 1 hour slots between 10.30 and 15.30 (5 slots) with a maximum of 6 funerals per day which by definition would extend the operating hours outside the core hours of 10.30 to 15.30. A new access is proposed with visibility splays appropriate to 50mph road being achievable. A dedicated right turn lane is proposed in the Magor Road. The Statement concludes this is not necessary in junction capacity terms but will aid the free flow of traffic along the Magor Road. Eight 'Sheffield' style bike loops are proposed near the main visitor parking area. The main service vehicles coming to the site would be an LPG tanker and the bin wagon. The internal road network on the site has been track tested and can accommodate these vehicles.

7.10.2 In terms of traffic generation the TRICs database normally used doesn't contain data for crematoriums so the Statement uses a bespoke data set based on first hand observations at other crematoria. This concludes the average service will attract 18 vehicles (36 movements per

service). The Statement also considers the available seating (98 seats) and considers two persons per car giving a parking demand of 49 spaces. In either case the parking provision on the site would be sufficient. Even allowing for a total overlap of services the required parking would be 98 spaces. Given 74 formal spaces and 20 overflow spaces parking provision would marginally fail to meet parking demand but this is not considered harmful. There will on rare occasions be funerals when the seating capacity is exceeded (standing mourners) and as such the parking capacity on the site may very rarely be exceeded. In this case there would likely be a displacement onto the Magor Road. However this it is considered that this will be a rare event and if it does occur the characteristics of the adjacent highway are that it is straight and wide and experiences low traffic flows. Overall it is considered that the impact of very occasional offsite parking would not be so harmful to highway interests as to be unacceptable. As such the parking can be considered adequate and the risk of people parking outside the site on Magor Road is low and not significantly harmful to highway interests in the event it happens and would not constitute a reason to withhold permission.

7.10.3 The anticipated vehicular traffic would not overburden the Magor Road / Chepstow Road junction which is operating well within its capacity. The site is accessible by public transport being on a bus route and with bus stops near the site. The Head of Streetscene has requested the renewal of the bus stop post opposite the site on the north side of Magor Road. This can be achieved under the Highways Agreement which will also cover the works in the highway to provide the right turn lane. The provision of the right turn lane can be required under condition. Visibility from the proposed access will require that the hedge to the west of the entrance is trimmed back but it will not need to be removed. The visibility to the east is achieved across a layby (part of the highway). The Head of Streetscene and City Services has no concerns over this since although vehicles may park in the layby and obstruct visibility this could happen in a scenario where there was no layby since there is no traffic order on the Magor Road to prevent vehicles parking. In short where visibility is required over the highway (including laybys) then it can always be obstructed by parked vehicles if there is no traffic order. However notwithstanding the lack of objection from the Highways Section it is considered that on rare occasions vehicles will park in the layby (its primary purpose) and obscure visibility to the east. These vehicles may be un-associated with the crematorium use. As such it is considered desirable to remove the layby and mitigate this small risk. Closing off the layby so it could not be used (whilst retaining it as highway land) could be achieved under the highway agreement to provide the right turn lane. These works can be required under planning condition. The loss of the layby is not considered to be detrimental to any wider interest. The layby to be closed is not heavily used and traffic can stop in the layby adjacent to 'Beverley' (the last house as you leave Langstone on the Magor Road) which is approximately 300m from the layby to be closed. It is not considered that any additional use of this second layby would be at a sufficient level to have a materially adverse effect on the amenity of the cluster of dwellings adjacent to it given the low level of use of the layby to be closed. The Head of Streetscene has no objection to the closure of the layby near the site entrance (nor to its retention). Given the required visibility splays can be secured there is no objection to the proposed access.

7.10.4 The provision of the right turn lane will necessitate moving the kerb line of the highway to widen the road but this will not require any works to the hedgerow on the northern side of the road. Additionally the applicant has noted the exit of a farm track onto the northern side of the Magor Road near to the proposed access. The applicant has proposed stopping this up but the Head of Streetscene and City Services does not consider this to be a necessity to facilitate the proposed access to the crematorium and the right turn lane that is to be provided so this matter need not be addressed. Overall subject to road signage, provision of the renewed bus stop sign and provision of the right turn lane the Highways Section have no objection to the proposal.

7.10.5 Neighbours have commented that Magor Road is very busy if the M4 is shut. This is undoubtedly true and would apply to the entirety of the road network in the Newport area if the motorway is closed. However this is a rare event and is not considered to be a consideration of much weight in the decision and as noted all locations in the vicinity would suffer in a similar way in such an eventuality. The cattle crossing to the west of the site is also not considered to be an issue of much weight. It is clearly a well-known and well established farm activity that is having minor

disruption on the highway at the current time. There is no reason to think that the crematorium will add sufficient additional traffic to the local network to make the current arrangements impractical or so delaying to funeral corteges as to be unacceptable. Similar conclusions would apply to crossing the Magor Road, its utility for horse riders and the general amenity of occupants, the additional traffic is not considered to be materially harmful to those interests and is acceptable in these terms. Horse drawn corteges may from time to time access the site. Normally this involves the transfer of the coffin from a motor hearse to the horse drawn vehicle at some point close to the chapel. Journeys tend to be short and infrequent. Officers do not consider that the use of horse drawn hearses will be unacceptably harmful to highway interests.

7.10.6 Residents note that in prolonged periods of wet weather the Magor Road can suffer with pools of water appearing as water runs off saturated farmland into the road. They are concerned this may prevent funeral corteges accessing the site. This is undoubtedly an issue but there is no evidence that the problem is sufficiently frequent and severe to be a genuine impediment to the development proceeding and the matter should be given little weight.

7.11 Loss of agricultural land

7.11.1 The applicant has submitted an 'Agricultural Land Classification and Soil Resources' report which identifies the site as being mainly in grade 3b with a small area as non-agricultural (an old quarry that has been in-filled and is used to store machinery, silage etc.). Since the land is not Best & Most Versatile agricultural land there is no objection to the proposal on this basis. Planning Policy Wales has a general presumption in favour of using previously developed land (PDL). This site is not PDL and local policy in favour of sustainability would also support a PDL location. Residents have also suggested brownfield locations would be preferable. However the site requirements of the crematorium for a restful, attractive, dignified and relatively large site separated from dwellings significantly limit potential locations and it is accepted that locations within the urban boundary (including PDL) are not suitable or available. As such the default to low grade agricultural sites on the urban fringe is acceptable and preferable to more remote sites which would be less sustainable or those of higher agricultural grading which would also be less sustainable. Policy GP5(iv) (High quality Agricultural Land) is complied with.

7.12 Flood risk

7.12.1 The applicant has provided a document entitled 'Site Specific Flood Risk Assessment'. This locates the site in Zone A of the Welsh Government's Development Advice Maps which identify areas at risk of flooding. National Policy (Technical Advice Note 15) directs that development should be diverted from Zones B & C which are at risk of flooding to Zone A. Development within Zone A is not considered to be at significant risk of flooding and is an acceptable location for development. The proposal is considered to be compliant with Policy GP7 (Environmental Protection) since it is not at risk of flooding.

7.12.2 Magor Road like many rural highways occasionally experiences inflows of rainwater into the highway from surrounding fields after prolonged periods of wet weather. There is no reason to think the development will worsen this, being lower than the highway deck or that the frequency and severity of such incidents would materially harm the operation of the crematorium.

7.12.3 The Drainage Manager has asked for technical details of the proposed drainage for the site. These can be secured under condition and are necessary to protect the interest of the adjacent SSSI.

7.13 *Other Issues*

7.13.1 *The site is close to dwellings:* the crematorium building is 245m from the nearest dwelling it is not considered that the activity at the building and its immediate environs would have any unacceptably adverse impact on residential amenity. Associated activities in the memorial gardens which are nearer the dwellings and additional traffic within the highway are also considered not to be harmful to amenity due to their low intensity.

7.13.2 *Human Health:* Crematoria are subject to an environmental permitting regime administered by the Council's Environmental Health Section. There is no reason to think the operation of the crematorium within these criteria will have an adverse impact on human health. The Head of Law & Regulation (Environmental Health) has not objected to the development.

7.13.3 *Unforeseen Contamination:* Part of the proposed memorial gardens encompass a small quarry that has been backfilled. There is some risk of imported contamination affecting this part of the site. This can be dealt with by condition.

7.13.4 *Need for Noise and Air Quality Conditions:* The Head of Law & Regulation has requested conditions be applied in relation to noise and air quality assessments. There is no evidence that plant at the facility will operate at a level that will be unacceptable in terms of noise and air quality emissions sufficient to adversely affect general amenity so it is not considered that such conditions are required in this case. In any event the nearest residential property is approximately 245m away and therefore most unlikely to be affected in a significantly adverse way.

7.13.5 *Ashes Scattering and Internment:* CNC/NRW note the risk to controlled waters from the internment or scattering of ashes is low and have no comment on this point. Given the risk to controlled waters is low and no other objection is raised there is no objection to the scattering or burial of ashes. That said conditioning of the ashes scattering area seems appropriate to minimise any risk to the SSSI on a precautionary basis especially given that the condition is not unduly onerous.

7.13.6 *Hours of Operation:* The Head of Law & Regulation (Environmental Health) has requested that operational hours are conditioned. The site is remote from dwellings and other sensitive uses so it is considered that control over hours are not required in this instance since the harm to amenity would be negligible. There is no indication that hours need to be limited to protect the interests of the adjacent SSSI, for example there is no indication the operation of the facility would be disturbing to nocturnal animals or other relevant bio-diversity interests.

7.13.7 *Loss of Layby:* A resident has alleged that the layby which would be lost under the proposal is significantly used and its loss would displace parking into other areas of Langstone which are already prone to nuisance parking by HGVs. There is no evidence that the layby is used at a significant level so any displacement will be minimal. The nearest available alternative layby is 200m to the north west adjacent to Beverly where part of the old road alignment has been retained as highway. Any increase in use of this layby caused by the removal of the one near the site is not considered to be significantly harmful to residential amenities due to the very low level of use of the current layby.

7.14 *Planning Balance*

7.14.1 The submitted information identifies slight harm to landscape character but this is not judged to be unacceptably harmful and is therefore compliant with local policy. The test in Policy GP2ii of the adopted NLDP for visual amenity is more strict requiring there to be no detrimental impact on visual amenities, however the harm identified is moderate (for some viewers) reducing to minor as planting matures. Officers do not consider this to be significantly harmful, landscaping can be secured under condition and so the harm can be mitigated down to a low and acceptable level. Loss of hedgerow can be compensated for within the site and other bio-diversity interests

can be protected. The location within the countryside would normally be unacceptable however the particular locational requirements of the proposal means that suitable urban sites are difficult to identify. Planning Policy Wales allows for location in the countryside (Paragraph 7.3.2) when no suitable urban sites can be identified, this is considered to be the case here. The harm to rural interests is minimised given the location in the urban fringe and on lower quality agricultural land.

Overall it is considered that the harm to rural protection policy is outweighed by the particular locational needs of the proposal on this occasion which in officer opinion should be given significant weight. The requirement for an attractive, spacious site which can deliver the very high quality environment this particular use demands is a material consideration of very significant weight. Additionally the need for the facility is an additional argument in favour of an ex-urban location. The applicant has demonstrated a need for the facility with the Cwmbran facility being over-subscribed within the core operating hours leading to significant delay to the bereaved and congestion at the facility. That non-core slots are open at Cwmbran is of no value to potential users who have no wish or desire to say goodbye to loved ones at unsuitable times. As such the qualitative improvement in services for users of the new crematorium and at the Cwmbran crematorium which will have reduced demand would be very significant benefits of the scheme which add to the conclusion that the identified site is suitable notwithstanding its rural location. Officers conclude that the planning balance is significantly in favour of the development being approved.

8. OTHER CONSIDERATIONS

8.1 *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.

8.2 *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.

8.3 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.

8.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

8.6 *Planning (Wales) Act 2015 (Welsh language)*

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

9. CONCLUSION

9.1 The proposal is acceptable subject to the application of appropriate conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

Plans Condition

01 The development shall be implemented in accordance with the following plans and documents:

- Drawing DLA Rev 08.08.2015 (Planting Plan – Wider Context)
- Drawing P/003A – Relationship of Scattering Ashes Zone to Llanmartin-Langstone Meadows SSSI Boundary
- Drawing IMA-13-134-006A – Area of Hedge Affected by 2.4m x 160m Left Visibility Splay at Proposed Access
- Drawing IMA-13-134-005B – Proposed Site Access
- Drawing DLA - Planting Plan for Ornamental Beds
- Drawing NPT01_P(0)007B – Path Finishes & Lighting (but not in regard to lighting)
- Drawing NPT01_(0)005D – Site Area Proposed
- Drawing NPT01_P(0)006A – Ground Floor and Surrounds Proposed
- Drawing NPT01_(0)015B – North and East Elevations Proposed
- Drawing NPT01_P(0)017A – Elevations (Colour)
- Drawing NPT01_P(0)008A – Site Sections
- Drawing NPT01_P(0)025A – Water Feature
- Drawing NPT01_P(0)010C – Ground Floor Plan
- Drawing NPT01_P(0)011A – Roof Plan
- Drawing NPT01_P(0)016B – South and West Elevations Proposed
- Drawing NPT01_(0)019A – Sections A-A & B-B
- Drawing NPT01_P(0)020A – Sections C-C, D-D, E-E & F-F
- Drawing NPT01_P(0)022A – Floral Tribute Plans & Elevations
- Drawing NPT01_P(0)023A – Floral Tribute Details
- Drawing NPT01_P(0)026A – Entrance Gates and Signage
- Drawing NPT01_P(0)030A – Artists Impression
- Drawing NPT01_P(0)002D – Site Plan Proposed
- Drawing NPT01_P(0)105 – Site Area Proposed
-

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 No works of construction shall commence outside of the public highway until the access point and dedicated right turn lane have been provided fully in accordance with drawing IMA-13-134-005B (Proposed Site Access).

Reason: to provide safe access to the site and to maintain highway safety and the pedestrian footway.

03 Prior to the commencement of development details of the foul and surface water drainage for the site shall be provided to the Local Planning Authority. Following the Council's written agreement the approved details shall be implemented in full prior to the first beneficial use of the part of the site to which they pertain. Any drainage scheme submitted shall be fully justified through

a scheme of hydrological monitoring within the application site and the Langstone & Llanmartin Meadows SSSI in order to show that the submitted scheme will fully protect the nature conservation interests of that SSSI.

Reason: to protect the interests of the Langstone and Llanmartin Meadows SSSI and the water environment in general in the interests of bio-diversity and public amenity.

04 No development, to include demolition, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following during development:

- dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition Activities;
- noise mitigation measures;
- details of temporary lighting;
- details of enclosure of working areas;
- a drainage strategy to operate setting out controls of contamination, including controls to surface water run off, water pumping, storage of fuels and hazardous materials, spill response plans and pollution control measures.
- pollution prevention and contingency measures.
- wheelwashing facilities

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

Reason: to protect the interests of the Langstone and Llanmartin Meadows SSSI and the water environment in general in the interests of bio-diversity and public amenity and to protect trees and hedges of landscape and ecological value and to protect the integrity of the public highway.

05 All run off from roadways, car parking areas and other hardstandings used to park or transit vehicles shall be passed through a means to remove hydrocarbons the design of which shall be submitted to the Local Planning Authority prior to the construction of those areas. Following the Council's written agreement the approved means of removing hydrocarbons shall be implemented fully as agreed prior to the use of the affected areas and retained thereafter.

Reason: to protect the interests of the Langstone and Llanmartin Meadows SSSI and the water environment in general in the interests of bio-diversity and public amenity.

06 No development (outside the highway) shall commence until a Tree Protection Plan (in accordance with BS 5837:2012) has been submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall contain full details of the following:-

- (a) Trees and hedges to be retained/felled clearly identified and marked on a plan;
- (b) Trees and hedges requiring surgery;
- (c) The root protection areas to be identified on plan for retained trees and hedges;
- (d) The type and detail of the barrier fencing to be used to safeguard the root protection areas;
- (e) The precise location of the barrier fencing, to be shown on plan.

The development shall be carried out in accordance with the approved Tree Protection Plan.

Reason: To protect important landscape features within the site and to protect features of value for bio-diversity.

07 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 with the development (other than the highway) until Root Protection Barrier fencing has been installed in accordance with the approved Tree Protection Plan. No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area. The fencing shall be retained for the full duration of the development, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To protect important landscape features within the site.

Pre-occupation Conditions

08 Prior to the first beneficial use of the crematorium hereby approved a scheme of ecological enhancement for the site shall be submitted to the Local Planning Authority. The scheme shall contain the proposed ecological enhancements and a management plan identifying short term management (less than 5 years), medium term management (5-10 years) and long term management (more than 10 years). Following the Council's written agreement the enhancement scheme and management plan shall be implemented as agreed by the end of the first full planting season following the first use of the crematorium.

Reason: to compensate for the loss of habitat on the site and to mitigate the loss of habitat connectivity caused by hedge removal and to comply with the advice of TAN 5 (Nature Conservation & Planning).

09 The proposed Parking including overflow parking shall be provided in accordance with the submitted documents prior to the first beneficial use of the crematorium hereby approved and shall be retained thereafter.

Reason: to ensure there is sufficient parking within the site in the interests of highway safety.

Other conditions requiring the submission of information

10 Notwithstanding the submitted lighting information, full details of external illumination and floodlighting shall be submitted to the Local Planning Authority prior to the erection or installation of any external lighting on site, and the lighting shall then be installed fully in accordance with the details as approved. No other external lighting shall be installed without the prior consent in writing of the Local Planning Authority.

Reason: In the interests of protecting rural character and appearance and the bio-diversity of the site.

11 Any unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as is practicable. An appropriate ground investigation and/or remediation strategy including a verification plan shall be submitted to the Local Planning Authority. The submitted strategy shall include an implementation timetable for all elements of the strategy. Following the Council's written agreement the approved strategy shall be implemented fully in accordance with the agreed details. Following remediation and prior to the use of any building or other affected part of the site, a Completion/Validation Report, confirming the remediation has been carried out in accordance with the approved details and verifying the agreed strategy has been effective, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

12 The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area (other than the highway), so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute of Field Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. Two copies of the watching brief shall be submitted to the Local Planning Authority within two months of the fieldwork being completed.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

13 Details of path surfaces not already provided in drawing NPT01_P(0)007B (Path Finishes and Lighting) shall be submitted to the Council in writing prior to the construction of that path.

Following the Council's written agreement the path shall be constructed in the approved materials and retained as such.

Reason: to protect rural character and appearance.

Directive Conditions

13 The approved access to the site shall not be used until the layby on the southern side of the B4345 immediately to the east of the proposed access has been closed up so that the appropriate visibility splay to the east is available at all times

Reason: to maintain visibility at the proposed access in the interests of highway safety.

14 The Landscaping Scheme shown in Drawing DLA Rev 08.08.2015 (Planting Plan – Wider Context) shall be fully implemented within the first full planting season following the first beneficial use of the crematorium hereby approved. Thereafter the trees and shrubs shall be 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 purpose of this condition, a full planting season shall mean the period from October to April inclusive.

Reason: To secure the satisfactory implementation of the proposal and to compensate for the loss of hedgerows on the site.

15 The visibility splays shown in Drawing IMA-13-134-005A (Proposed Site Access) shall be kept free of all obstructions to visibility over 0.6m in height.

Reason: to maintain visibility in the interests of highway safety.

16 Ashes shall only be scattered in the area identified in drawing IMA-13-134 P/003 A. Ashes shall be buried in biodegradable containers at a depth of not more than 1m.

Reason: to protect the water quality of the Langstone & Llanmartin Meadows SSSI.

17 Time slots for funerals shall be not less than one hour long. The operator of the crematorium shall keep a log of funerals and their time slots and shall make it available to the Local Planning Authority within three working days of a written request by the Local Planning Authority.

Reason: to reduce the risk of funeral services overlapping and leading to parking demand that cannot be accommodated within the site.

NOTES TO APPLICANT

01 This following documents (in addition to the conditioned plans & documents) were submitted as part of this application: Planning, Design & Access Statement (June 2015); Drawing NPT01_P(0)001B (Site Plan Existing); Drawing NPT01_P(0)000A (Location Plan); Bat Activity Survey (2015); Archaeological Field Evaluation (October 2015); Description of the Proposed Installation and Activities; Funeral practices, spreading ashes and caring for the environment (Environment Agency); Bird Survey (September 2015); Llanmartin, Newport – Proposed Crematorium site (Response to GWT-Kate Godfrey); Stage 1 Road Safety Audit; Llanmartin, Newport – Proposed Crematorium Site Update and response to GWT; Report on further Desk Study & Intrusive Ground Investigation (July 2015); Transport Statement (May 2015); Biodiversity Information Searches; Archaeological Desk Based Assessment (May 2015); Landscape & Visual Impact Assessment; Site Search Document (May 2015); Agricultural Land Classification and Soil Resources (December 2014); Ecological Impact Assessment (March 2015); Need Document for a new Crematorium at Magor Road Llanmartin & associated appendices (May 2015); Site Specific Flood Risk Assessment (May 2015); Desk Study & Intrusive Ground Investigation (March 2015), Ecological Impact Assessment Addendum (Hedges), Planning Statement (June 2015), 'Joint Submission to Natural resources Wales by IMA Transport Planning, M&R Ecology and Geo-Testing Services' (November 2015), Joint Submission to Natural Resources Wales – 23 November 2015 (Eco-hydrological Assessment), e-mail from Richard Evans to Andrew Hurst (15/12/2015 14:11), Brief Assessment of Pollutant Ground Level Concentrations from the Proposed Crematorium near Llanmartin Wales, Technical Information FT III Cremator, Description of the Proposed Installation & Activities, Westerleigh Group Ltd – Environmental Policy, Vale Royal Crematorium – Permit Application, Public Consultation for a Crematorium at Langstone (brochure),

email from Ian Monachino-Ayres to Carl Jones (16/10/2015, 11:30), Letter Reference IMA13-134/ima/FRA from Ian Monachino-Ayres to Andrew Hurst (25/09/2015) & Letter Reference hrl-P2687-R001 from Howard Ling to Geraint Roberts (11/01/2016).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP4, SP5, SP8, SP9, SP12, SP21, GP2, GP3, GP4, GP5, GP6, GP7, CE1, CE6, T4 & M1 were relevant to the determination of this application.

03 The proposed development (including any demolition) has been screened under the environmental impact assessment regulations and it is considered that an environmental statement is not required.

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

05 The proposed cremation operation will be subject to an Environmental Permit issued by the Local Authority. The package treatment works will need to be registered with Cyfoeth Naturiol Cymru / Natural Resources Wales and will require an Environmental Permit from the same organisation.

APPLICATION DETAILS

No: 15/0646 **Ward:** **LANGSTONE**

Type: **FULL (MAJOR)**

Expiry Date: **26-JUL-2015**

Applicant: **WESTERLEIGH GROUP**

Site: **LAND TO SOUTH OF AND OPPOSITE BEVERLEY, MAGOR ROAD, NEWPORT**

Proposal: **PROPOSED CREMATORIUM PLUS CAR PARKING AND MEMORIAL PARKLAND**

1. LATE REPRESENTATIONS

1.1 Six additional representations from residents received (two in favour and four against). The following comments are made:

In favour

- The development is a sensible diversification of a farm business which will only result in the loss of low grade agricultural land. Improved income will help to keep the farm business viable.
- The development will not require the re-profiling of the land and will be well-screened. For the most part the open character of the site will be maintained (parkland).

Against

- The response from Cyfoeth Naturiol Cymru / Natural Resources Wales notes that the NOx concentrations from the crematorium would be a risk to features of the SSSI.
- It is not clear that the effect of the emissions on the SSSI can be mitigated.

- The site is close to a Primary School and there is clear line of sight between the two. Air pollution presents a small risk to the health of the pupils who are particularly sensitive to pollution and this risk should not be allowed to occur.
- The death rate from cancer in the Langstone Ward is above the Welsh and Newport average. Dioxins are emitted by incinerators and crematoria and there are known increases in health risks for people living near crematoria (stillbirth & anencephalus) although no causal link has been shown. Risk to human health cannot be discounted.
- Local people are unaware of the application.
- Air pollution and resultant health problems will be severe in this densely populated area.
- There is lots of vacant land in Gwent that could be used in preference.
- There will be an adverse impact on ecology.
- Langstone needs more facilities but not a crematorium.
- Magor Road cannot deal with the additional traffic especially if the Motorway is shut.
- Control over emissions should not be left to the Licensing Regime since any required change in the building design has planning implications.

1.2.1 An additional comment from Bishton Community Council has been received asking for the following conditions:

- Restrictions on the amount of daily use of the crematorium.
- Reduced use during traffic rush hour periods.
- Operating times to be strictly regulated.
- No on street parking, with the possible introduction of double yellow lines.
- Proper signage.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

2.1 No new issues have been raised that have not been addressed in the published officer report other than in relation to farm diversification.

2.2 Any improvement in the viability of the farm business would be a benefit of the scheme which could be accorded slight weight within the parameters of the application. However this would not be considered rural diversification.

2.3 In terms of the suggested conditions it is proposed to limit the use of the crematorium by specifying time slots minimally to one hour in order to reduce the risk of overlap on services thereby reducing the risk of parking overflowing into the highway. There is no reason to limit the operational hours of the crematorium since no harm to any interest is anticipated should the crematorium operate earlier in the morning or later in the evening. It is remote from dwellings and the local highway and its associated junctions have capacity to take the expected additional traffic at all times of the day and night. The highway is regulated under powers separate to planning and it is not appropriate to condition actions under those other powers particularly where those other powers are discretionary. Double yellow lines are implemented via traffic orders which are imposed only when necessary in the interest of the operation of the highway. In effect double yellow lines may be implemented if a future problem arises and they are considered necessary to protect highway interests. They cannot be required under planning controls since they are provided under another regulatory regime. There is always a risk of overflow parking outside the site but there is no reason to think that such parking would be unacceptable. Indeed the impact of such parking might be greater and much more adverse if taking place on busier urban roads for example rather than on this relatively lightly trafficked rural highway. In any event the proposed parking meets the requirements of the Council's Parking Standards.

2.4 Any signage will need the relevant advertisement consent and remains under Council control. No condition is required to control signage.

3. OFFICER RECOMMENDATION

3.1 The recommended remains that the application is granted with conditions as per the officer report.

APPLICATION DETAILS

No: 15/1103 **Ward:** **TREDEGAR PARK**

Type: **FULL (MAJOR)**

Expiry Date: **02-NOV-2015**

Applicant: **GARETH DRAPER**

Site: **DUFFRYN HIGH SCHOOL, LIGHTHOUSE ROAD, NEWPORT, NP10 8YD**

Proposal: **SUBDIVISION OF EXISTING DUFFRYN HIGH SCHOOL SITE TO FACILITATE THE PROVISION OF A WELSH MEDIUM SECONDARY SCHOOL. CONSTRUCTION OF 1NO. 3 STOREY TEACHING BLOCK TO SERVE DUFFRYN HIGH SCHOOL AND 1NO. 3 STOREY TEACHING BLOCK TO SERVE WELSH MEDIUM SCHOOL. CREATION OF NEW VEHICULAR AND PEDESTRIAN ACCESS POINTS, AMENDED PARKING/DROP OFF AREAS, NEW SPORTS PITCHES, PLAYING FIELDS AND FLOODLIGHTING OF 3G PITCHES. MINOR ALTERATIONS AND NEW ACCESS RAMP TO BUILDING 2**

Recommendation: REFUSED

1. INTRODUCTION

This application seeks full planning permission for the subdivision of the existing Duffryn High School site to facilitate the provision of a Welsh Medium Secondary School. The proposal also includes the construction of two three-storey accommodation blocks and the creation of a new vehicular and pedestrian access point off Duffryn Way, the creation of new sports pitches with floodlighting and minor alterations to an existing building.

- 1.1 The existing site comprises an area of 10.8 hectares and it is proposed to subdivide the site with the Welsh Medium Secondary School having a site of 3.2 hectares and Duffryn High School 7.6 hectares. The Welsh Medium Secondary School would occupy the northern section of the site fronting Duffryn Way, and would utilise an existing accommodation block (Building 1). A new three-storey accommodation block (Building 5) is proposed 5.0m to the west of Building 1. Access to the Welsh Medium Secondary School would be off Duffryn Way. A 2m high security fence would extend along the southern boundary of the site.
- 1.2 In relation to Duffryn High School it is proposed to construct a new three-storey accommodation block (Building 4), which would be sited between two existing buildings (Buildings 2 and 3) that would be retained for use by Duffryn High School. The existing access off Lighthouse Road serving Duffryn High School would be retained and used solely by Duffryn High School.
- 1.3 Within Newport there is currently no Welsh Medium Secondary School. Pupils who wish to continue their education through the medium of Welsh have to attend Ysgol Gyfun Gwynllyw (YGG), which is a jointly funded Welsh Medium Secondary School in Pontypool, Torfaen. By 2016 it is forecast that YCG would be oversubscribed and as a result there would be no additional provision for students from Newport and Monmouthshire.
- 1.4 Given the above situation, Newport City Council is seeking to provide a new regional Welsh Medium Secondary School within the City. In March to July 2013 a site/location analysis was commissioned through the regional groups of Officers, which found at that time the only potential viable sites were in Newport. Further commentary on this will be provided below. The proposal would be funded by £8m capital investment from Newport City Council, £500k from Monmouthshire County Council, and £8.5m of match funding from the Welsh Government.

1.5 The Welsh Medium Secondary School would initially function as a seedling school accommodating up to 210 pupils. At capacity in 2020 it would accommodate 900 pupils. It is intended for the Welsh Medium Secondary School to be fully operational by September 2017. The Council's Education Department has outlined the following benefits of the proposal:

- There is no Welsh-medium secondary school in Newport, with approximately 390 pupils bussed to Torfaen at an annual cost of around £735 per pupil.
- The pupil funding therefore also goes to Torfaen, although they are Newport children.
- We have 3 primary schools with approximately 650 pupils on roll and this is forecast to increase. This solution provides a school in Newport for Newport children (and some from Monmouthshire).
- The new school in Newport would provide excellent transition from Welsh-medium primary schools into secondary education.
- Statutory (WG) requirement to provide Welsh-medium education.

2. RELEVANT PLANNING HISTORY

04/0342	Sports Hall	Granted with conditions
04/0943	Boundary Fence	Granted with conditions
06/1676	Erection of climbing wall and frame	Granted

3. POLICY CONTEXT

Newport Local Development Plan 2011-2026 (Adopted January 2015)

Policy SP1 identifies that proposals are required to make a positive contribution to sustainable development by concentrating development in sustainable locations on brownfield land within the settlement boundary.

Policy SP2 identifies that proposal should seek to maximise their contribution to health and well-being.

Policy SP3 refers to flood risk and that development would only be permitted in flood risk areas in accordance with national guidance.

Policy SP12 identifies that development that affects existing community facilities should be designed to retain or enhance essential facilities.

Policy GP1 refers to general development principles designed to withstand climate change and reduce the risk to flooding.

Policy GP2 which aims to protect general amenity in terms of noise and disturbance, privacy, overbearing impact, light and visual amenities.

Policy GP3 development will be permitted where the necessary and appropriate service infrastructure exists and that there is sufficient capacity for the development within the public foul sewer and if not satisfactory improvements are provided by the developer.

Policy GP4 relates to highway and access and requires that development should provide access for pedestrians, cyclists, be accessible to main transport routes and provide cycle storage.

Policy GP5 in relation to the Natural Environment states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats.

Policy GP6 relates to quality of design and states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

Policy GP7 refers to Environmental Protection and Public Health development will not be permitted which will cause risk to the environment, local amenity, health or safety.

Policy CE6 Archaeology states that proposals in areas known to have archaeological interest or potentially have archaeological interest will be required to undertake an archaeological impact assessment.

Policy CE8 is relevant in relation to proposals affecting locally designated nature conservation sites.

Policy CF1 Protection of Playing Fields, Land and Buildings used for Leisure, Sport, Recreation and Play notes that such sites will be protected unless it can be demonstrated that they are surplus to requirements or adequate alternative provision will be provided.

Policy T4 states that development will be required to provide appropriate levels of parking, within defined parking zones, in accordance with adopted parking standards

4. CONSULTATIONS

4.1 FIELDS IN TRUST: Comments provided by Sport Wales at paragraph 4.11 below are supported by the Fields in Trust.

Initial comments

4.1.1 Presuming the Lighthouse Road Playing Fields will remain available to the public it would appear there are sufficient playing pitches in the area so we are happy with regard to satisfying Planning Policy Wales. I would like to add though for future reference that we prefer to see an analysis of supply and demand to ensure there are sufficient pitches.

Our only remaining concern therefore is that the new Welsh Medium School has sufficient provision for its needs. Are you able to address that please?

4.2 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: Whilst the proposed development area contains no designated sites, it does border the Newport Archaeological Sensitive Area and the Gwent Levels Registered Historic Landscape (HLW (Gt) 2), specifically the Eastern St Brides Character Area (HLCA0015), as defined within the *Register of Landscapes of Outstanding Historic Interest in Wales*.

4.2.1 The Wentloog Level, which forms the western section of the Gwent Levels, is a former marshland that has been exploited by humans for at least 6000 years and is a landscape of extraordinarily diverse environmental and archaeological potential. Having been reclaimed from the sea at various times during the historic period, the present land surface is a supreme example of a 'hand-crafted' landscape, artificially created and entirely the work of man. Due to recurrent phases of inundation and alluviation there is also the potential for buried, waterlogged deposits belonging to earlier landscapes. Such deposits can provide excellent conditions for the preservation of organic materials such as wood and leather, which may be encountered during the course of the development.

- 4.2.2 However, previous archaeological investigations in the immediate vicinity of the proposed development have discovered only small amounts of archaeological material. Consequently, it is our opinion that there is unlikely to be an archaeological site of national significance in the application area.
- 4.2.3 Therefore our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members would still be applicable.
- 4.2.4 We envisage that this programme of work would take the form of a watching brief during the groundworks required for the development, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly excavated, recorded and removed; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to the model given in Welsh Office Circular 60/96, Section 23:
- 4.2.5 *No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.*
Reason: *To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.*
If you have any questions or require further advice on this matter please do not hesitate to contact us.
- 4.3 GWENT WILDLIFE TRUST: No response
- 4.4 HEDDLU GWENT POLICE (ARCHITECTURAL LIAISON OFFICER): The Gwent Police Designing Out Crime Unit have no objections to this application.
- 4.4.1 This is a development that could benefit from being designed and built to the standards found within Secured by Design and we would welcome the opportunity to assist with this aspect.
- 4.5 HEDDLU GWENT POLICE (FORCE PLANNING UNIT – CIVIL CONTINGENCIES):
- 4.5.1 Gwent Police would not advise on the suitability or otherwise of this development in relation to emergency arrangements in the event of a flood.
- 4.5.2 Gwent Police has no capacity to work within flooded areas and rescue in these situations sits with South Wales Fire and Rescue Service.
- 4.6 NEWPORT ACCESS GROUP: No response.
- 4.7 NEWPORT CIVIC SOCIETY: No response.
- 4.8 NATURAL RESOURCES WALES (NRW): Thank you for referring the above planning consultation to us. It was good to meet with the applicant and yourselves earlier this week to ensure we had a clear understanding of the proposals.
- 4.8.1 From the application and our meeting, we understand the proposal will create a new Welsh medium secondary school which will be independent to the current existing school with formal separation. The proposal includes new school buildings that will introduce approximately 900 new pupils and staff into an area at risk of flooding.

- 4.8.2 We understand and appreciate the need for a new Welsh medium school. However, having thoroughly considered the application we object to the proposed location of the development because the application does not demonstrate that the risks and consequences of flooding can be managed. This advice is in line with the guidance set out in Technical Advice Note 15 (TAN15).
- 4.8.3 The application site is entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under TAN 15. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Ebbw and within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) tidal flood outlines.
- 4.8.4 The proposed development should be considered as highly vulnerable development. Section 6 of TAN15 requires your Authority to determine whether the development at this location is justified. The matter of justification is entirely a matter for your Authority and the tests should be undertaken sequentially. We can advise you on the submitted FCA, necessary to demonstrate test iv in Section 6.
- 4.8.5 We advised a Flood Consequence Assessment (FCA) was needed to be undertaken in pre-application discussions in November 2014. We received the FCA on the 8 October 2015 and in light of the issues it raised we have been in subsequent dialogue with yourselves and the applicant. The FCA, dated September 2015, and its addendum, prepared by CES Ltd, have been informed by hydraulic modelling of several flood scenarios. We can confirm that the modelling undertaken is complex and although we do have a number of technical queries in relation to it, we do not consider these significant issues that would alter the conclusions of the FCA and therefore our advice to you.
- 4.8.6 Mechanisms of flooding**
The primary risks to the site is from a fluvial event on the River Ebbw and/or a tidal event on the Severn Estuary and River Ebbw. The main mechanism of flooding to the site is considered to be out of bank flows from the River Ebbw upstream of the M4 at Tredegar Park. The flood water then follows overland flow routes and the ree (drainage) network through Duffryn to reach the site. In more extreme events, the site could see additional increases of flooding due to overtopping of local flood defences.
- 4.8.7 The risks and consequences to the site**
The FCA has stated that the site is predicted to flood during fluvial events on the Ebbw in excess of a 1 in 20 year (5%) event. TAN15 advises that new development should be flood free in the 1 in 100 year plus climate change (1%) event. Therefore the predicted frequency of the site flooding is considerably higher than the guidance in TAN15 (A1.14).
- 4.8.8 The developer has proposed to raise the two school buildings to 8.6 metres AOD so they are designed to be flood free during the maximum predicted flood event including additional freeboard. This mitigation does not extend to other parts of the application boundary including car parking and other external areas.
- 4.8.9 Flood waters are predicted to surround the two school buildings in events during and above the 1 in 20 year event.
- 4.8.10 During the 1 in 100 year plus climate change event the site could experience flood depths of 1 metre and velocities of 0.4 metres per second.
- 4.8.11 With reference to the Hazard to People Classification Supplementary Note, May 2008 (attached), we can give flood hazard 'ratings' to these figures to provide an indication on the risks to people.

- 4.8.12 Flood hazard ratings during the higher frequency events such as the 1 in 20 year within the site and along the access routes to the school is classified as 'Danger for some' (includes children, the elderly and the infirm) and could peak at 'Danger for most' (includes the general public).
- 4.8.13 In the 1 in 100 year plus climate change event, the hazard rating increases and is classified as 'Danger for all' (including emergency services).
- 4.8.14 When specifically assessing flooding to the access/egress of the school, the depths and velocities of flooding greatly exceeds the indicative guidance in TAN15 (A1.15) which provide tolerable conditions of flooding during the extreme 1 in 1000 year event. The figures in A1.15 reflect conditions in which emergency services can carry out their activities in the event of a flood. These roads have a hazard rating classification as 'Danger to all' (including emergency services).
- 4.8.15 In addition to these risks to the site, the FCA has established that there will be increased risk off site as a result of the raised school buildings. It has shown that there will be increases in flood depths, up to approximately 2cm, to existing flood risk areas within the vicinity, including residential properties. You should note that these areas are shown to flood in the current situation to depths of over a metre. The FCA has not fully quantified the impact of these increases. TAN15 states that there should be no increase in flooding elsewhere. Your Authority will need to assure itself that third parties interests have been properly considered in your determination.
- 4.8.16 In summary, the FCA has confirmed the development could see significant depths and velocities of flooding surrounding the school buildings which would be dangerous to children, people and emergency services. Access roads to the site are shown to be affected by flooding for up to 10 hours, thereby potentially cutting off the site for long periods of time. The flood waters on the access roads are shown to be unsafe for the emergency services and there are slight increases to flooding elsewhere.
- 4.8.17 Taking the above into consideration, the proposal is not in line with criteria in A1.12, A1.14 and A1.15 of TAN15.
- 4.8.18 Managing the flooding consequences**
The flood risks and consequences associated with the proposal are shown to be of serious concern and we believe that the most appropriate action would be to not bring new pupils into such an environment.
- 4.8.19 However, we note that the submitted Design and Access Statement has stated that 'the authority does not have a vacant site available for a secondary school development. Additionally, available funding is regarded as insufficient to produce a new build facility. Therefore it was concluded that the only available and viable option is to co-host the new school on an existing school site'.
- 4.8.20 If, as the planning authority, you are satisfied that the proposed location is the only possible location in planning terms, only then should you consider whether the above risks and consequences can be managed through measures such as emergency planning and evacuation.
- 4.8.21 We note that pre-planning advice from your Authority suggested that a critical component of the FCA will also be how safe access and egress can be achieved in a flood event. No access / egress routes have been shown to be flood free in events above the 1 in 20 year, therefore it appears that evacuation/avoidance of the site in the event of a flood event above the 1 in 20 year event would be the only available option.

- 4.8.22 A generic plan titled 'Flood Evacuation Plan WM2 & John Frost School' has been submitted which relies on our flood warnings to trigger appropriate action but no detailed evacuation arrangements have been included with the FCA.
- 4.8.23 Whether relying solely on these measures is an appropriate and sustainable mechanism for managing the predicted risk is ultimately a matter for your Authority; we are not the appropriate body to comment on the operational effectiveness of emergency plans or procedures. Our involvement during a flood event would be limited to delivering flood warnings. Whilst we seek to provide timely and robust flood warnings we cannot guarantee their provision and this needs to be considered fully in your deliberations.
- 4.8.24 A key consideration will be the time available after a warning is received to when flood waters reach the site. The FCA assesses the time taken to reach the site during each flood scenario as approximately 9 hours for an event on the Ebbw. This was calculated by starting the clock at the start of the model run. Although TAN15 provides guidelines for the maximum speed of inundation, it does not specify how this should be calculated. We recommend that a more appropriate calculation of available time should be from the onset of flooding, i.e. at the start of flood waters breaking out of bank to when the flood water reaches the site. This would then give the minimum response time for any evacuation plan as our flood warnings should have normally been issued prior to the onset of out of bank flooding. Taking this approach a flood event from the overtopping of the Ebbw, according to the FCA, takes approximately 4 hours until it reaches the site after breaking out of bank. During the extreme tidal events, this time is reduced to around 3 hours. There will also remain a possible risk of a breach (failure) of the Sea Wall Reen defence immediately northeast of the site; this would inundate the site very rapidly.
- 4.8.25 We do recognise the need for a new Welsh medium school, however, for the reasons explained in this letter, we object to the proposed location of the development because the risks and consequences of flooding have not been demonstrated to be manageable.
- 4.9 REGIONAL AMBULANCE OFFICER: We would not advise on the suitability of developments within flood risk areas as this is the responsibility of NRW and the respective local authority.
- 4.10 SOUTH WALES FIRE AND RESCUE: The proposed site plan in relation to the above has been examined and the Fire and Rescue Authority wish the following comments to be brought to the attention of the committee/applicant. It is important that these matters are dealt with in the early stages of any proposed development.
- 4.10.1 The developer should consider the need for the provision of:-
 a. adequate water supplies on the site for firefighting purposes; and
 b. access for emergency firefighting appliances.
 Should the applicant require further information in relation to these matters they should contact the above named fire safety officer.
- Comments on Access/Egress*
- 4.10.2 It is not the responsibility/practice of South Wales Fire and Rescue Service (SWF&RS) to comment on flood planning in relation to the attached development.
- 4.11 SPORT WALES: On the condition that the Welsh Medium School will have sufficient use of the 3G pitch on the adjacent John Frost School so that it can exceed the minimum playing field areas prescribed by the Schools Premises Regulations, Sport Wales is happy to support the proposal.

Initial comments

- 4.11.1 Presuming the Lighthouse Road Playing Fields will remain available to the public it would appear there are sufficient playing pitches in the area so we are happy with regard to satisfying Planning Policy Wales. I would like to add though for future reference that we prefer to see an analysis of supply and demand to ensure there are sufficient pitches.

Our only remaining concern therefore is that the new Welsh Medium School has sufficient provision for its needs. Are you able to address that please?

- 4.12 WALES AND WEST UTILITIES: Apparatus within the area.

- 4.13 DWR CYMRU WELSH WATER: We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

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

- 4.13.2 SEWERAGE Conditions - 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, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage 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.

- 4.13.3 The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located marked out on site before works commence and no operational development shall be carried out within 8 metres either side of the centreline of the public sewer. Reason: To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

- 4.14 WESTERN POWER DISTRIBUTION: Advised apparatus in the area

- 4.15 GWENT LOCAL RESILIENCE FORUM: It is not a requirement for the Local Resilience Forum to engage. It is not appropriate for Gwent LRF to provide advice on the application and/or to provide the liaison with Local Authority Emergency Planners or other constituent members of the LRF.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (DRAINAGE): I have reviewed the proposed drainage scheme for the above application and would make the following comments.

- 5.1.1 Given that the scheme is proposing to manage surface water by attenuation and discharge at greenfield runoff rates up to a storm return period of 1/100+30% I have no objection in principle subject to:

1. A reduction in the greenfield runoff discharge rate by 2l/s per hectare if there is no long-term storage provision in the design 1. Consent for additional discharge to

the water course from the appropriate body which is believed to be NRW (formerly Caldicot & Wentloog IDB) 2. The attaining of the appropriate environmental consents by NRW given the sensitivity of the receiving water courses and its status as/proximity to a SSSI

5.1.2 I have no comment regarding the foul drainage regime.

5.2 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): I do not object to this application providing the following conditions are attached to any permission you are minded to grant:

5.2.1 I would recommend:

- A native wildflower mix be sown around the site and native hedging be planting to enhance the existing hedgerow. This can be agreed in the landscaping plan;
- Appropriate conditions regarding the Pontygwawreen e.g. drainage/buffer zones
- The recommendations of the bat survey should be conditioned including creation of new bat roosting opportunities in the new buildings;
- A lighting plan will need to be submitted and agreed to ensure that dark corridors are maintained around the site;
- A reptile mitigation strategy outlining the methods that will be used to prevent injury to any reptiles that may be using the site;
- A plan to manage (with the aim to eradicate) Himalayan balsam on the site. This will be required prior to commencement of any works;

5.3 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): The Transport Statement is acceptable.

Comments on Travel Plan

5.3.1 Some minimal changes have been made but at least one issue raised, that of the Head teacher being the Travel Plan Co-ordinator has been addressed. Some numbers have been updated/added and the issue of Duffryn HS's Travel Plan has also been addressed; the school currently doesn't have one but there is an intention to commission one. How Liftshare' Personalised Travel Plan will be financed is still not clear.

5.4 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPE OFFICER): I have no objections to these proposals in principle, but shall require a fully detailed, site-wide landscape plan, schedules listing species, sizes and planting densities for each zone and a detailed maintenance programme, to be submitted for approval.

5.4.1 Drainage should be sustainable, draining into natural habitats on site and flat roof areas should be detailed and constructed as 'green' roofs.

5.4.2 The opportunity to increase the site's wildlife habitats and bio-diversity value must be taken, so NCC's Ecology officer's suggestions must be acted upon.

5.4.3 NCC's Tree Officer must be satisfied that sufficient space around trees to be retained is robustly fenced-off, to adequately protect trees from construction vehicles.

5.5 HEAD OF STREETSCENE AND CITY SERVICES (LEISURE): I can confirm that there are no direct conflicts or implications in respect of the current level of the parks and leisure services provided by Streetscene. I would not raise any objections to the proposed works.

5.6 HEAD OF STREETSCENE AND CITY SERVICES (TREE OFFICER): No objection.

- 5.7 HEAD OF STREETSCENE AND CITY SERVICES (CIVIL CONTINGENCIES): Coordinated the response of Gwent Police, the Ambulance Service, and the Fire Service who do not wish to offer comments in relation to flooding matters.
- 5.8 HEAD OF LEGAL AND REGULATION (ENVIRONMENTAL PROTECTION): Verbally reported that they have no objection to the proposal.
- 5.9 HEAD OF REGENERATION, INVESTMENT AND HOUSING (PLANNING POLICY): The construction of a new school on previously developed land, inside the settlement boundary, is acceptable in principle.

5.9.1 *Principal material considerations*

Flooding

- The school would constitute highly vulnerable development in a C1 flood zone.
- At the time of writing, the Flood Consequence Assessment (FCA) is provisional in nature and recommends that additional model-based work be undertaken.

Loss of playing fields

- In the Design and Access Statement, the applicant has referred to Building Bulletin (BB) 98 in an attempt to justify the loss of playing fields. It appears that John Frost School would exceed all of the recommended levels, and the Welsh-medium school would comply with the criteria on relevant types of provision with the exception of a slight shortfall of games courts (2,400 sqm required, 2,351 sqm proposed, shortfall 495 sqm) and sports pitches (41,500 sqm, actual 40,737, shortfall 763 sqm).
- Judging purely from the information provided by the applicant, it seems that the proposal would not deprive existing and future students of adequate recreation space. Nonetheless, it is recommended that advice be sought from the Sport Wales and Fields in Trust.

- 5.9.2 No objection so long as the applicant demonstrates, in a comprehensive Flood Consequence Assessment, that the consequences of flooding throughout the “lifetime” of the development will be acceptable.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties within 50m with a common boundary with the application site were consulted, a site notice has been displayed, and a press notice published in South Wales Argus. Two representations have been received and are summarised as follows:

- 3 storey building will be directly in view of our property.
- Increase in noise and disruption during building works.
- Additional road noise, traffic pollution and jams.
- Increase in students will result in increase noise.
- Proposal extremely close to house.
- Increase in rubbish thrown into garden.
- Sports lights close to the house and estate.

- 6.2 Two letters of support have been received. The following letter of support has been received from the Head Teacher and the Chair of Governors:

- 6.2.1 The whole Duffryn High School community led by both myself as Headteacher and my Chair of Governors have been active participants in the consultation process for the new Welsh-medium secondary school. Our school site is the most appropriate location in the region, accepted by our regional partners in education, and we know that this site has been accepted by all local stakeholders, in particular our children.

- 6.2.2 All other sites were reviewed and Duffryn High acknowledges that this remains the only viable site. So, at the same time as carrying out the daily demanding role of Headteacher I have been representing the school and working steadfastly over the last year planning how to incorporate the delivery of my own curriculum needs alongside additional Welsh-medium secondary education onto our vast site.
- 6.2.3 My governors are acutely aware, that in these constrained times for public services, the availability of regional financing by Welsh Government in the form of new Welsh-medium secondary school investment for the Duffryn High school site has been welcomed by Cabinet and full Council and the opportunity must not be wasted.
- 6.2.4 This regional project has given the Council an ability to design enabling works and remodelling of both our school and the buildings for the new school, which together makes more efficient use of the site and links previously old decayed structures to provide for 21st Century learning environments for pupils at both Duffryn High and the new Welsh school.
- 6.2.5 The Council has always supported Duffryn High School and there has been a collective historic expectation of investment in our site for our children. Limited resources dictate that some new building and refurbishment is the best available option – this is wholly dependent on the Welsh-medium secondary regional project and the associated funding.
- 6.2.6 It has been supported by additional and separate capital resourcing allocated by Cabinet in December 2014 to our school. Our collective responsibility is to carry out the full breadth of technical review and feasibility and design to spend this financing wisely to benefit our children.
- 6.2.7 I have been an active contributor to this project and have witnessed the justification and planning and assessment which together support Duffryn as the only viable site. This work is more than that it introduces much needed regeneration investment for the Duffryn community.
- 6.2.8 This project supported by the additional Council investment offers Duffryn High School the ability to secure state-of-the-art replacement of 33% of the school with much needed refurbishment to that 21st Century standard.
- Buildings and classrooms at the school are among the worst in the school estate
 - Classrooms are cold and roofs leak.
 - The whole site is inefficient.
 -
- 6.2.9 We are an improving school – KS4 L2+ outcomes have risen from 25% in 2009 to 41.2% in 2015 – delivered within our deteriorating buildings in sub-standard education environments – our pupils and our staff deserve better.
- 6.3 The following letter has been received from the Chair of Governors of the new Welsh Medium Secondary School:
- 6.3.1 I have worked with the Chief Education Officer and his team for over five years as the Council has known that we must collectively plan and deliver a solution to meet the demand for Welsh-medium secondary education.
- 6.3.2 The legal decision to establish the new school by Cabinet in July 2015 was a historic achievement for the South East Wales region and now the focus is on Newport for delivery of Welsh-medium secondary education. The Duffryn site has clearly been identified as the only viable site in cost and time terms and as such it is imperative that the school opens as planned and at that location, so enabling Newport to meet its commitments and responsibilities to deliver Welsh-medium secondary education.
- 6.3.3 In September 2015 I was voted Chair of the Temporary Governing Body and I am now working with the newly appointed Headteacher of this new school on the project.

- 6.3.4 Newport should be proud of the success of Welsh-medium primary education provision to date and achievement of the education standards across all of your schools. The work is not over as it needs continued and sustainable growth and investment in constrained times for all public services.
- 6.3.5 The allocation of scarce regional capital financing to deliver this new school is another success for your Council, there is now a clear risk that it could be dis-allocated, financial recovery is not guaranteed and you have 80 families who have voted for Newport Welsh-medium secondary education by submitting applications for admission to our new school along with many more thousands of pupils and their families that will be expecting to attend this school in future years.
- 6.3.6 I have represented the Welsh-medium education community as an active participant in the statutory consultation process for the new Welsh-medium secondary school and then more recently this winter had direct input into the project. This has entailed considerable and significant scrutiny of all plans, processes and technical assessment before your Council determined that the Duffryn site was the only viable site for our new Welsh-medium secondary school. I have, along the planning and the project journey, witnessed regional partners supporting this site as the preferred option.
- 6.3.7 This Duffryn site has therefore been accepted by all stakeholders including our own Welsh education pupils and their parents as the most appropriate location in the region following considerable deliberation and consultation.
- 6.3.8 The Council now has a statutory duty to meet parental preference which is evidenced in 80 applications for admission to the Newport Welsh-medium secondary school. This project on that site is the only chance of providing the required regional Welsh-medium secondary education within the essential timescales and within the funding envelope.
- 6.3.9 I witnessed all of the submission to WG for regional financing which is predicated on this site and to deliver this project.
- 6.3.10 Not providing a Welsh-medium secondary school is now not an option for Newport.
- 6.3.11 Any delay will mean the Council fails to meet the implementation deadline for the legal decision to establish the school and it must be referred back to your Cabinet.
- 6.3.12 The Council has established the School at that site, we have a Temporary Governing Body and my colleague our new Head teacher has been appointed.
- 6.3.13 There is a huge sway of public expectation both locally and nationally and great excitement about this school being delivered for the Welsh-medium community – evidenced by the overwhelming support with applications for 80 out of 90 places already received and also the interest that it has created within Newport in general.
- 6.3.14 I am contacted weekly as the new Chair of Governors by families who are so excited at this historic achievement – some families who are now seeking out Early Years provision as their children can for the first time in Wales take part in a seamless transition, a single education journey through the medium of Welsh as a direct result of your Council decision and Welsh Government financing.
- 6.3.15 This Council decision has widened career choices and access to further and higher education opportunities, in turn generating an improved economy for the South East Wales region.
- 6.3.16 As an active member of the Welsh speaking community in Newport, I am proud to live here. Newport is an exciting and vibrant city that is always evolving and developing. I want to see Welsh-medium pupils receive the same opportunity that English-medium pupils enjoy – a local secondary education within the Duffryn community.

7. ASSESSMENT

7.1 Site Description

The existing school was developed in a phased manner that started in 1952 and was completed in the late 1950's. The existing school buildings have a gross internal floor area of 12,500 square metres on a site measuring 10.8 hectares. The site is fairly level, bound on two sides by a reën and a band of mature trees that form the boundary with Duffryn Way and Lighthouse Road. The school was developed as such so that the three main buildings are located within the eastern most part of the site with the associated playing fields sited to the west. An internal access road leads off Lighthouse Road and runs through the heart of the site around the perimeter of a central area of green open space.

7.1.1 The site is bounded to two sides by residential properties. To the west are the rear gardens of properties along Brigantine Close and Brigantine Way. Properties served by Schooner Circle, Schooner Avenue and Schooner Close extend along the entire southern boundary. To the north and on the opposite side of Duffryn Way are further residential properties served off Cormorant Way and Heron Way. The Gwent Levels – St Brides Site of Special Scientific Interest (SSSI) is located to the east. The River Ebbw lies approximately 350m to the east.

7.2 Proposals

As described in the introduction there are a number of elements to the scheme.

7.2.1 **Subdivision of existing school site** – The site has an overall area of 10.8 hectares and it is proposed to split the site horizontally with the Welsh Medium Secondary School occupying some 3.2 hectares of the northern part which includes the existing accommodation block (Building 1) currently utilised by Duffryn High School. Four hard surfaced games courts are proposed to the north of Building 1 within an area that is currently used for parking. A 3m high weld mesh fence would run around the perimeter of the courts.

7.2.2 **Creation of new accommodation block for Welsh Medium School** – A three-storey block is proposed 6.0m to the west of Building 1 and has been designed with a central atrium with a wing projecting off both ends. The northern wing and central atrium would be two-storey in height. This new building would have a finished floor level of 8.6m AOD, which is some 1.95m above existing ground level and from existing ground level would have a maximum height of 13.0m.

7.2.3 **Creation of new access serving the Welsh Medium School** – A new access is proposed to the north western corner of the site off Duffryn Way, which would lead to a parking area to the west of the new accommodation block referenced above. A total of 100 car parking spaces, 10 pull in bays and 10 coach/bus bays are proposed. Cycle stands are proposed to the northern edge of the parking area.

7.2.4 **Creation of new accommodation block for Duffryn High School** – A new three-storey 'L' shaped accommodation block is proposed between Buildings 2 and 3. This building would be set a minimum of 41m off the southern boundary. This building would have a finished floor level of 8.6m AOD, some 1.95m above existing ground level. The building would have a flat roof and a maximum height from existing ground level of 13.0m. A grass bank is proposed around the edge of the building broken at intervals to allow for the insertion of grilles. The exterior would be finished in a vertical cladding system.

7.2.5 **External alteration to Building 2** – Alterations are proposed to the façade of building 2 with the insertion of new entrance screen and door in the ground floor southern elevation, along with a ramp.

7.2.6 Within the area to the north of building 2 a new parking area and coach/bus drop off area is proposed. A total of 143 car parking spaces, 10 coach/bus bays and 7 car drop off bay are proposed.

7.2.7 Creation of 3G pitch and Sports Courts Duffryn High School – The final element of the proposal is the creation of 5 sports courts to the west of Building 3 and a 3G pitch within the central green space area. Floodlighting is proposed around the 3G pitch with 6 x 10m high columns. 3m high weld mesh fences would extend around the perimeter of these areas.

7.2.8 The proposed Welsh Medium School would result in an additional 900 pupils and approximately 106 members of staff at the site. The existing Duffryn High School has 1150 pupils and this is forecast to increase to 1,200 pupils.

7.3 The key issues relevant to the determination of this application are:

- Principle of development;
- Benefits of the scheme and future wellbeing of the Welsh language;
- The visual impact of the proposal;
- Flood risk;
- The effect of the proposal on the highway network;
- Impact on UK protected species and Site of Special Scientific Interest;
- The loss of playing fields;
- Impact on trees.

7.4 Principle of Development

7.4.1 As identified in the introduction, it is forecast that the existing Welsh Medium Secondary School at Ysgol Gyfun Gwynllyw (YGG) would be oversubscribed by 2016. Consequently there would be no additional provision for students from Newport and Monmouthshire who wish to study through the medium of Welsh.

7.4.2 The site is not allocated within the Local Development Plan for the provision of an additional school. However, Duffryn High School falls within the existing urban boundary as defined in the LDP, and policy SP12 (ii) of the LDP supports the provision of new community facilities that includes educational facilities within sustainable locations. As the site accommodates an existing school and falls within the defined urban boundary, it is considered that the site for the new Welsh Medium Secondary School satisfies policy SP12 of the LDP. The subdivision of the site and the creation of a Welsh Medium Secondary School is therefore considered to be acceptable in principle, subject to other material considerations that would be discussed below.

7.5 Benefits of the Scheme and Future Wellbeing of Welsh Language

7.5.1 The proposal would deliver a significant number of benefits. There is currently no Welsh Medium Secondary School in Newport, and 390 pupils living in Newport have to travel to Torfaen costing £735 per pupil (£286,650). Additionally, the pupil funding also goes to Torfaen County Borough Council. Ysgol Gyfun Gwynllyw will be oversubscribed by 2016 so this proposed school would help satisfy the demand. It is also a statutory Welsh Government requirement to provide Welsh medium education.

7.5.2 There are currently 3 Welsh Primary Schools in Newport with 650 pupils on the roll and this is forecast to increase. The new Welsh Medium Secondary School would therefore allow for a seamless transition from primary to secondary education.

7.5.3. Substantial funding for the Welsh Medium Secondary School has been secured. The proposed school would be funded with an £8 million capital investment from Newport City Council, £500k from Monmouthshire County Council and match funded by £8.5 million from the Welsh Government. Officers consider that the 21st Century Schools and Education Programme is a regeneration initiative as it aims to create school environments that meets

the needs of the community and provide the best learning provision for the area. An additional £4m has been secured for the Duffryn High School refurbishment.

- 7.5.4 The proposal would also deliver benefits for the existing school through the creation of a new building, creation of a 3G floodlit pitch that would significantly improve the educational and recreational facilities. Alterations to the parking areas and the provision of a dedicated bus drop off area would improve highway safety within the site.
- 7.5.5 Technical Advice Note 20: Planning and the Welsh Language identifies that in some areas of Wales the number of Welsh speakers is increasing, but declining in other areas. The future of the language across Wales is dependent on a wide range of factors that includes education. The planning system is recognised as having an important role to play in contributing to the future wellbeing of the Welsh language by establishing the conditions to allow sustainable communities to thrive.
- 7.5.6 In the determination of this application, the need and interests of the Welsh Language is therefore a relevant material consideration. The proposal would result in Newport's first Welsh Medium Secondary School, which offers significant benefits to existing pupils who are learning through the medium of Welsh to study in the area where they are resident. Furthermore pupils who are deterred from studying through the medium of Welsh because of the absence of a Welsh Medium Secondary School will now have the opportunity to access seamless primary and secondary education through the medium of Welsh in Newport.
- 7.5.7 The provision of Newport's first Welsh Medium Secondary School at Duffryn would contribute positively to the future wellbeing of the Welsh language, and the proposal therefore complies with TAN 20. However, these benefits have to be balanced against other material considerations that will be discussed below.

7.6 Visual Impact

- 7.6.1 The existing school buildings on the site are primarily two/three storey flat roof buildings and are of a simple design, and are typical of school buildings constructed within Newport in the late 1950's and early 1960's. The new accommodation block serving the Welsh Medium Secondary School would front Duffryn Way, and has been designed so that the northern wing and central atrium would be two-storey and due to the intervening vegetation these elements would not be readily visible when viewing the site from Duffryn Way. Due to the careful design of this building, contrasting heights and the simple palette of materials it is considered that this part of the proposal is of an appropriate design and scale, and ultimately an acceptable form of development within the northern periphery of the site.
- 7.6.2 The car park serving the proposed school would be sited to the west of the new building and would be screened by the mature vegetation along the northern boundary. The creation of the access would expose the wider school site and the residential development to the south, but it is proposed to plant a hedgerow and trees to the north of a 2m high security fence, which overtime would soften this impact.
- 7.6.3 Turning to the new build accommodation block (building 5) that would serve Duffryn High School, it is of a simple form being three-storey in height and although not a pastiche of the buildings it would be sited between, the design and scale is considered to be appropriate and responds positively to the adjacent buildings. Further to this the use of a lightweight coloured façade system would allow an appropriate contrast with the existing buildings.
- 7.6.4 Alterations are proposed to the outside space including the parking area, fenced hard court areas and 3G pitch with floodlighting. The school is set within an extensive area and given the topography of the site and the presence of mature trees it is not easily visible from Duffryn Way and Lighthouse Road. There are views into the site from the residential

development to the south, but the new development would be viewed in the context of the existing complex of school buildings and would not have a detrimental impact on the character of the area.

- 7.6.5 Overall, the existing school grounds around the periphery are extensively landscaped, which screen the site from vantage points to the north and east. The new accommodation blocks would be of a high quality design and along with the sensitive use of external materials allow for an appropriate contrast to the existing built form within the school site. It is considered that the proposal respects the scale of adjacent buildings and would not be harmful to the visual amenity of the surrounding area.

7.7 Flood Risk

- 7.7.1 The site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN 15) (July 2014). NRW's flood map information, which is updated on a quarterly basis confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Ebbw and within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) tidal flood outlines.

7.7.2 Overview of Technical Advice Note 15: Development and Flood Risk

TAN 15 set out a precautionary framework and identifies that new development should be directed away from areas which are at high risk of flooding (defined as Zone C), and where development has to be considered in such areas, only those developments which can be justified on the basis of the tests outlined in the TAN are to be located in such areas. Members should be aware of the following key points:

- The Council is expected to consult Natural Resources Wales (NRW) when considering development in Zone C1. Where a planning authority is minded to go against the advice of NRW it should inform NRW prior to granting consent allowing sufficient time for representations to be made or ;
- A school is defined as 'highly vulnerable development' (same as residential) which is 'development where the ability of occupants to decide on whether they wish to accept the risks to life and property associated with flooding, or be able to manage the consequences of such a risk, is limited'.
- The TAN states 'it would certainly not be sensible for people to live in areas subject to flooding where timely flood warnings cannot be provided and where safe access/egress cannot be achieved'.
- There should be minimal risk to life, disruption and damage to property.

7.7.3 Summary of NRW consultation response dated 20 November 2015

A Flood Consequences Assessment (FCA) prepared by Civil Engineering Solutions Ltd (October 2015) and a FCA Mitigation Addendum Report that has been informed by hydraulic modelling of a number of flood scenarios has been submitted in support of the application.

- 7.7.4 The FCA has been reviewed by NRW who object on the basis that the application does not demonstrate that the risks and consequences of flooding can be managed. Within the main body of their response they state that "the flood risks and consequences associated with the proposal are shown to be of a serious concern and we believe that the most appropriate action would be to not bring new pupils into such an environment."

- 7.7.5 The primary risk to the site is from a fluvial event on the River Ebbw and/or a tidal event on the Severn Estuary and River Ebbw.

- 7.7.6 In order to comply with national planning policy, TAN 15 advises that development should be designed to be flood free within the 1% (i.e. risk of a fluvial flood with a 100 to 1 chance of occurring in any one year) and 0.1% (i.e. risk of a fluvial flood with a 1000 to 1 chance of occurring in any one year) annual probability fluvial flood outlines for the River Ebbw and within the 0.5% (risk of a fluvial flood with a 200 to 1 chance of occurring in any one year) and 0.1% (risk of a fluvial flood with a 1000 to 1 chance of occurring in any one year) tidal flood outlines.
- 7.7.7 NRW has confirmed that the site does fall within these annual probability flood outlines for both fluvial and tidal flood events. In relation to the fluvial flood event, the main mechanism of flooding would be from the River Ebbw and the site is predicted to flood in excess of 5% (i.e. there is a risk of a fluvial flood with a 20 to 1 chance of occurring in any one year). The predicted frequency of the site flooding is considerably higher than the guidance set out by national policy.
- 7.7.8 During the 1 in 100 year event, depths of 1 metre and velocities of 0.4 metres per second could be experienced on the site.
- 7.7.9 NRW also refer to a supplementary note on hazard rating that has been produced to as TAN 15 require that people should be appropriately safe around new development and cross referenced this table for the following events:
- 1 in 20 year event within the site and along access routes to the school is danger for some (includes children, elderly and infirm). This is described as 'Danger: Flood zone with deep or fast flowing water' and could peak at danger for most' (general public) which is described as 'Danger: Flood zone with deep fast flowing water'.
 - 1 in 100 year plus climate change event danger for all' (includes emergency services) which is described as 'Extreme danger: flood zone with deep fast flowing water'.
- 7.7.10 In relation to access/egress of the school, the depths and velocities exceed guidance so classified as 'danger to all' (includes emergency services). Extreme danger: flood zone with deep fast flowing water' No routes would be flood free in events above 1 in 20 year event.
- 7.7.11 NRW note that a flood evacuation plan has been submitted which relies on flood warnings, but that no detailed evacuation arrangements have been provided. However they go on to say that cannot guarantee the provision of timely and robust flood warnings. NRW has subsequently confirmed that they aim to provide two hours, but this cannot be guaranteed for a variety of reasons including the variability of forecast rainfall and tidal predictions. The applicant has prepared a detailed Flood Emergency Management Arrangements Document and further commentary on this is provided below.
- 7.7.12 In a flood event, NRW stipulate that a key consideration will be the time available after a warning is received to when flood waters reach the site. NRW confirm that the calculation of the available time should be from the onset of flooding (start of flood water breaking out of bank) not from the start of the model run. They advise that in a flood event overtopping the River Ebbw, the flood waters would take 4 hours to reach the site, and during an extreme tidal event this would be 3 hours. In the case of a breach (failure) of the sea wall re-en defence this would inundate the site very rapidly. NRW has subsequently confirmed that in a breach event ,the floodwater would overtop Lighthouse Road 18 minutes after the breach and reach the school 10 minutes later.
- 7.7.13 Finally, there is also an increased risk to third parties including residential properties by up to approximately 2cm and this has not been fully quantified.

7.7.14 TAN 15 Tests

7.7.15 Section 6.2 of TAN 15 refers specifically to justifying the location of development and that such development should only be permitted within zone C1 if determined by the planning authority to be justified in that location and demonstrated that:

- i) Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
- ii) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners to sustain an existing settlement or region;

and,

- iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and
- iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 6 and appendix 1 found to be acceptable.

For the purposes of this report, criterion (i) to (iii) are referred to as Test 1 as this relates to the site justification and criterion (iv) which has a number of tests is referred to as Tests 2 to 12.

Test 1 – Justification

Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement

7.7.16 Officers consider that the proposal comprises a regeneration initiative as it forms part of the 21st Century Schools and Education Programme, which is a collaboration between the Welsh Government and local authorities. It is a major, long term and strategic capital investment programme with the aim of creating a generation of 21st Century Schools in Wales. The creation of a Welsh Medium Secondary School at Duffryn has also been subject to consultation that was undertaken between 1st March and 14th April 2015. The proposed school would be funded with an £8 million capital investment from Newport City Council, £500k from Monmouthshire County Council and match funded by £8.5 million from the Welsh Government. Officers consider that the 21st Century Schools and Education Programme is a regeneration initiative as it aims to create school environments that meets the needs of the community and provide the best learning provision for the area.

7.7.17 Although it is considered that the proposal forms part of a regeneration initiative a critical issue relates to whether the Duffryn High School site is the only available site. TAN 15 is explicit in confirming that new development should be directed away from flood zone C and towards suitable land in zone A, otherwise to zone B. NRW also raise this issue in their consultation response and state “if, as the planning authority, you are satisfied that the proposed location is the only possible location in planning terms, only then should you consider whether the above risks and consequences can be managed through measures such as emergency planning and evacuation.”

7.7.18 When considering the proposal against the above criteria it is considered that the first criterion is relevant. A Justification Statement has been submitted in support of the planning application to justify the location of the development and why alternative sites have been discounted. This statement draws together three strands of professionally commissioned work that includes the following:

- Original Site Option Review by Property Services, August to October 2013
- Detailed feasibility study comparison of Duffryn High School with Lliswerry High School, October 2013

- Updated City asset/estate management review – refreshed and updated, December 2015.

7.7.19 Summary of Original Site Option Review by Property Services, August to October 2013

The applicant has clarified that in March to July 2013, a site option appraisal was commissioned through the regional working group of officers from Caerphilly, Torfaen, Blaenau-Gwent, Monmouthshire and Newport local authorities. This found the only sites to be available at that time were in Newport.

7.7.20 The whole Council estate was assessed first and no sites were identified as suitable. The only potential estate deemed suitable or viable were education settings. Llanwern High School was judged not to have the capacity. Lliswerry High School was discounted on the basis that it would require movement of pupils which would be disruptive. Caerleon Comprehensive School was discounted as it could only provide partial provision. Duffryn High School was the largest site with the potential to provide the necessary capacity and facilities, and was considered to be the preferred option.

7.7.21 Summary of Detailed feasibility study comparison of Duffryn High School with Lliswerry High School, October 2013

Following a review of city side asset management/estate review the two education settings that were considered to be viable were sites at Lliswerry High School and Duffryn High School. This document provides an analysis of the existing facilities. In respect of Lliswerry High School it was recognised that there were no surplus buildings that could be released for the new Welsh Medium School, and that a new build (5,100 sqm) would be required. In addition, due to expanding pupil numbers any Welsh medium provision could only be on site for 2 to 4 years. Turning to Duffryn High School it was identified that the lower school building could accommodate the seedling school and the site was of a sufficient size to accommodate both schools.

7.7.22 Summary of Updated City asset/estate management review – refreshed and updated, December 2015.

This document was produced to test if there has been any change since the original asset/estate review to justify Duffryn High School as the preferred site.

7.7.23 The review has focussed on alternative sites that are within Newport City Council's ownership, within established residential areas and that are most likely to achieve planning consent. The following is a précis of the 10 sites that have been assessed and why they have been discounted:

- Lliswerry High School – Only capable of accommodating a seedling school and would be disruptive to pupils moving to a permanent location after 2 years.
- St Joseph's RC High School - Insufficient capacity.
- Bassaleg School – Discounted on basis of traffic implications and school likely to be at capacity within 2 years.
- Caerleon Comprehensive School – Insufficient capacity.
- St Julian's School – Confined site.
- Newport High School – Insufficient capacity.
- Llanwern High School – Insufficient capacity
- Llanwern("Jigsaw" site and surplus land adjoining Llanwern High School) – Discounted on time, cost and feasibility.
- Whiteheads site – Insufficient size.
- 25 acres from a third party – No such sites on market by any developer.

It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1)

- 7.7.24 In relation to this test the new school would occupy an existing school building and a new building would be created on part of an existing playing field. A further building would be sited on part of a footprint of a previously demolished building. Apart from flood and climate change considerations, it is considered that the proposal is consistent with Planning Policy Wales and constitutes previously developed land. The proposal therefore satisfies this test.
- 7.7.25 On the basis of the justification statement provided it is evident that there are no other sites as being feasible options at this current time. The sites identified above have been considered but have been discounted for a number of reasons including insufficient capacity, traffic constraints, site constraints, time, cost and feasibility. The proposal therefore satisfies this test.

Tests 2 to 12 – Consequences of Flooding

- 7.7.26 Moreover, criterion (iv) of paragraph 6.2 of TAN 15 refers specifically to the potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 6 and appendix 1 found to be acceptable. These are referred to as tests 2 to 12 below.

Test 2 - Flood defences must be shown by the developer to be structurally adequate particularly under extreme overtopping conditions (i.e. that flood with a 1 in 1000 chance of occurring in any year).

- 7.7.27 Advice has been sought from NRW on this matter who confirm that the defences were adequate in providing the original design standard of protection, which at that time was a 1 in 200 year tidal event. The defences were constructed before TAN 15 and NRW clarify that it is highly unlikely that an extreme event would have been covered. They advise that in a 1 in 1000 year extreme tidal event the flood water would overtop the Sea Wall/Coastal defences in the 75 year lifetime of development with a predicted level of 9.4m AOD. This would partially overtop the defences at the Sea Wall Reen adjacent to the railway, which have a maximum height of 8.5m AOD and at discrete locations along the coast where the defence has a minimum level of 9.3m AOD.
- 7.7.28 The agent requested that the Local Planning Authority seek further detail from NRW relating to condition surveys of the sea wall, along with the programme for future surveys, as well as programmed improvements. NRW has confirmed that the sea defences across the Caldicot and Wentlooge Levels, including those at Duffryn are inspected on a 6 to 12 monthly cycle by trained NRW Asset Inspectors. The purpose is to ensure that they are fit for purpose. The inspection results are fed into NRW's maintenance programmes. Additionally following any major tidal event in the Severn Estuary NRW also walk the length of the sea defences to establish whether there has been any damage.
- 7.7.29 NRW confirm that they completed improvements to the sea defences at Portland Grounds (Caldicot Levels) and in the process of improving the sea defences at Tabbs Gout (Wentlooge Levels). There are no plans to improve the defences in the short term. NRW's longer term plans, post 2030 are set out in the Severn Estuary Flood Risk Management Strategy. The strategy identifies that between 2060 and 2100 it is proposed to strengthen the defences by increasing the height of the embankments to keep pace with climate change.
- 7.7.30 NRW have not raised any structural problems with the flood defences. However, in the absence of specific planned improvements to the height of the defences and the shortfall in the height of the existing defences taking into account the 75 year lifetime of development of the school, as outlined in the Flood Consequences Assessment this test has not been satisfied.

Test 3 - The cost of future maintenance for all new/approved flood mitigation measures, including defences must be accepted by the developer and agreed with Natural Resources Wales.

7.7.31 The FCA Mitigation (November 2015) identifies that to reduce third party detriment, a number of raked grills would be provided to the proposed two buildings to allow water to pass under the buildings. The maintenance of these grills would be undertaken by the Council, thus satisfying this test.

Test 4 - The developer must ensure that future occupiers of the development are aware of the flooding risks and consequences.

7.7.32 A draft Flood Management Arrangements Document has been produced, and it notes that the school governing bodies and head teachers have determined that flood emergency management arrangements are required to ensure the safety of both pupils and staff. Subject to this draft document evolving to a working document, which is within the control of the school and the Council it is considered that this test could be satisfied.

Test 5 - Effective flood warnings are provided at the site

7.7.33 NRW identify that whilst they seek to provide timely and robust warning they cannot guarantee their provision and this needs to be considered fully in the Local Planning Authority's deliberations. Further clarification was sought from NRW on the minimum period of time that can be expected for a flood warning to be received from them. They confirm that they aim to provide two hours notice ahead of any flooding from rivers or tidal flooding, however, this lead time cannot be guaranteed for a variety of reason including the variability of forecast rainfall and tidal predictions.

7.7.34 NRW confirm that although the school site is located within a tidal flood warning area it is not within a fluvial warning area. The nearest fluvial warning area for the River Ebbw is at Bassaleg, which the school can sign up to. A fluvial flood warning could be put in place for this part of the Ebbw, but it is a complex and involved process. Additionally, in the unlikely event of a breach or failure of the existing flood defences it is doubtful that any prior warning could be given.

7.7.35 While a tidal flood warning is in place, there is no fluvial flood warning in place for this part of the River Ebbw. Furthermore in the case of a breach or failure of the defences it is unlikely any warning will be provided. NRW advise that in considering this proposal the Local Planning Authority should weigh up the consequences of the failure of any warning system. The worst case scenario that has been modelled is the breach of the sea wall ree defence where the flood water would overtop Lighthouse Road after 18 minutes and reach the school site 10 minutes later. NRW advise that it is doubtful that any prior warning could be given for this event. The absence of a fluvial flood warning for this part of River Ebbw, the likelihood of a flood warning not being issued for a breach event and NRW's advice that they cannot guarantee the provision of timely and robust flood warnings place doubt regarding the effectiveness of the flood warnings. The proposal therefore fails to satisfy this test.

Test 6 - Escape/evacuation routes are shown by the developer to be operational under all conditions

7.7.36 The letter from the Welsh Government to Chief Planning Officers identifies that in providing their expert technical advice, NRW will comment on the acceptability of flooding consequences in terms of the risk to people and property within the development. However they will not comment on whether access and egress can be achieved to and from the site as this is a matter for the emergency services to determine on a site by site basis

depending upon operational capabilities and equipment. The Local Resilience Forum for your area may be able to provide further advice in liaison with Local Authority Emergency Planners.

7.7.37 The draft Flood Emergency Management Arrangements document (appendix D) identifies that the escape/evacuation routes from the Welsh Medium Secondary School is via Duffryn Way, although pedestrian access can be achieved onto Lighthouse Road and Morgan Way. In respect of Duffryn High School, vehicular access is onto Lighthouse Road and pedestrian access is onto Duffryn Way and Morgan Way.

7.7.38 NRW advise that no access/egress routes have been shown to be flood free in events above the 1 in 20 year. The flood hazard ratings referenced by NRW indicate that during the higher frequency events such as the 1 in 20 year within the site and along the access routes to the school is classified as 'danger for some' (includes children, the elderly and infirm) and could peak at 'danger for most' (includes the general public). In the 1 in 100 year plus climate change event, the hazard rating increases and is classified as 'danger for all' (including emergency services).

7.7.39 Paragraph A1.15 of TAN 15 provides guidance on what is considered to be tolerable conditions for both property and access under extreme flood conditions (1 in 1000 year event). The following is a summary of the table:

Type of development	Maximum depth of flooding (mm)	Maximum rate of rise of floodwaters (metres/hr)	Maximum speed of inundation of flood risk area (hrs)	Maximum velocity of floodwaters (metres/sec)
	Property Access			Property Access
Residential (habitable rooms)	600 600	0.1	4	0.15 0.3
General Infrastructure	600 600	0.3	2	0.3 0.3

7.7.40 The worst case scenario provided in the Flood Consequences Assessment is the breach of the sea wall ree defence and a 1 in 200 year tidal event paired with a 1 in 2 year fluvial event on the River Ebbw. Additional data has been provided on this event along with 8 other scenarios to understand the time taken to flood the access roads, depth of flooding, rate of rise and velocities involved. The following table illustrates the data provided for the worst case scenario and the 1 in 100 year fluvial event with climate change for comparison.

	Sea Wall Reen Breach and 1 in 200 year tidal event with climate change		1 in 100 year fluvial event with climate change		
		<i>Earliest</i>	<i>Latest</i>	<i>Earliest</i>	<i>Latest</i>
The time it takes for overtopping of the access road (TAN15:For infrastructure rate of inundation should exceed 2 hours and for residential this should exceed 4 hours)	Lighthouse Road	2.7 hours	N/A	8.25 hours	10.2 hours
	Duffryn Way	2.7 hours	3.75	9.1 hours	10.1 hours
	Morgan Way	3.3 hours	15.7	9.7 hours	12.25 hours
	A48	N/A	N/A	7.8 hours	7.8 hours
The maximum rise in floodwater metres/hr (TAN 15 : 0.1metres/hr)	Lighthouse Road	2.38 m/hr		3.27 m/hr	
	Duffryn Way	5.46 m/hr		4.14 m/hr	
	Morgan Way	1.84 m/hr		1.84 m/hr	

	A48	0.00 m/hr		1.85 m/hr	
The maximum velocity of floodwaters in m/sec (TAN 15: 0.3metres /sec)	Lighthouse Road	1.31 m/sec		1.48 m/sec	
	Duffryn Way	2.20 m/sec		1.59 m/sec	
	Morgan Way	1.20 m/sec		0.51 m/sec	
	A48	0.00 m/sec		0.24 m/sec	
The maximum depth on the access roads and time take to achieve this (TAN 15: Max depth 600mm or 0.6m)		Depth	Time	Depth	Time
	Lighthouse Road	1.09m	16.1 hours	0.8m	13.5 hours
	Duffryn Way	1.65m	16.25 hours	1.34m	14.1 hours
	Morgan Way	1.24m	16.25 hours	0.96m	14.1 hours
	A48	0.00m	N/A	0.96m	13.25 hours

7.7.41 NRW advises that when specifically assessing the flooding to the access/egress of the school the depths and velocities of flooding greatly exceeds the guidance and the figures reflect the conditions in which emergency services can carry out their activities in the event of a flood. The roads have a hazard rating classification as 'danger to all' (including emergency services).

7.7.42 NRW in their response highlight that the FCA assesses the time taken to the site during each flood scenario as approximately 9 hours for an event on the Ebbw. The above table identifies that for the 1 in 100 fluvial event it takes 9.1 hours for Duffryn Way to overtop and in the 1:200 tidal event it takes 2.7 hours. NRW state that these figures are calculated at the start of the model run, and a more appropriate calculation of time would be from the onset of flooding. Using this methodology in the 1 in 100 fluvial event the flood water would reach Duffryn Way after approximately 4 hours. For the 1:200 tidal event the floodwater would overtop Lighthouse Road after approximately 18 minutes and the site 10 minutes later. TAN 15 advises that the inundation of general infrastructure should exceed 2 hours.

7.7.43 It is evident from the table above that the access/egress routes surrounding the site are not compliant with the tolerable conditions set out in TAN 15. In the 1 in 200 sea wall reen breach event, the maximum rise in flood waters at Duffryn Way is 5.46 metres/hours and the corresponding figure for the 1in 100 year fluvial event is 4.14 metres/hour. This significantly exceeds the guidance of 0.1 metres/hour.

7.7.44 In relation to the maximum velocity of floodwaters at Duffryn Way is 2.2 metres/second (Sea Wall reen breach and 1 in 200 event) and 1.59 metres/second (1 in fluvial event), which exceeds the guidance of 0.3 metres/second.

7.7.45 The maximum depths at Duffryn Way are 1.65m for sea wall reen breach and 1 in 200 year tidal event and 1.34m in the 1 in 100 year fluvial event. These depths exceed the guidance of 600mm or 0.6m.

7.7.46 The corresponding figures for the surrounding access roads including Lighthouse Road and Morgan Way also illustrate that they exceed the tolerable conditions. NRW confirm that access roads to the site are shown to be affected by flooding by up to 10 hours, potentially cutting off the site for long periods of time.

7.7.47 The Gwent Local Resilience Form and the three emergency services are not intending to provide any comments in relation to issues of access and egress and the ability of these services to rescue people in a flood event. Officers consider that it has not been demonstrated that all escape/evacuation routes are operational under all conditions and there are no comments from the emergency services to provide any comfort in this respect. This test has therefore not been satisfied.

Test 7 - Flood emergency plans and procedures produced by the developer must be in place

- 7.7.48 NRW advise that if, as the planning authority, you are satisfied that the proposed location is the only possible location in planning terms, only then should you consider whether the above risks and consequences can be managed through measures such as emergency planning and evacuation.
- 7.7.49 A draft Flood Emergency Management Arrangement document prepared by the Civil Contingencies Manager of Newport City Council has been provided in support of the application to cover both schools.
- 7.7.50 The supporting explanatory note stipulates that the document establishes a clear flood risk assessment process, with specific triggers and actions for the proposed responses.
- 7.7.51 The note also explains that it establishes a clear flood risk assessment process, with specific triggers and actions for the proposed responses. It also ensures that any flood risk assessments undertaken by the schools are undertaken jointly with Newport City Council, who together with partner responding agencies, such as Natural Resources Wales, the Met Office and the emergency services have significant experience in managing the response to flood risks.
- 7.7.52 The document is in draft and is an evolving document that will sit within a wider set of emergency plans for each school, which will incorporate NCC policies and guidance.
- 7.7.53 The local planning authority does not have the in-house expertise to judge the effectiveness of the emergency plan.
- 7.7.54 Planning Officers are therefore not in a position to comment upon the effectiveness of the flood emergency management arrangements document is acceptable and effective. These procedures would be the responsibility of the developer (Council/School).

Test 8 - The development is designed by the developer to allow the occupier of the facility for rapid movement of goods/possessions to areas away from floodwaters.

- 7.7.55 The two new buildings have been designed to be flood free, which allows for goods/possessions within these buildings to be stored safely away from floodwaters. This mitigation only extends to the raising of buildings and not the car parking areas where cars could be parked. However, on balance it is considered that this test is satisfied.

Test 9 - Development is designed to minimise structural damage during a flooding event and is flood proofed to enable it to be returned to its prime use quickly in the aftermath of the flood.

- 7.7.56 The proposed buildings have been designed to be flood free so they can be easily returned to its prime use following a flood. This test is therefore satisfied.

Test 10 - No flooding elsewhere.

- 7.7.57 The FCA identifies that there would be an increased risk of flooding elsewhere due to the raising of the buildings above predicted flood levels, which will cause displacement of flood waters. Mitigation has been proposed in the form of grills to allow flood water to flow under the building to reduce the effect of such displacement. However, the proposal would still result in an increase of flood depths to residential properties by up to approximately 2cm. This would result according to the FCA model in two additional dwellings within the Duffryn area being flooded as a result of the scheme over and above the existing situation. As there would therefore be an increase of flooding elsewhere the proposal does not satisfy this test. .

Test 11 - Paragraph A1.14 of TAN 15 identifies that the development should be designed to be flood free for the lifetime (A1.5) of development for either a 1 in 100 chance (fluvial) flood event, or a 1 in 200 chance (tidal) flood event including an allowance for climate change (depending on the type of flood risk present) in accordance with table A1.14.

7.7.58 The lifetime of development for schools is 75 years. The FCA states that the site is predicted to flood during fluvial events on the River Ebbw in excess of a 1 in 20 chance of flooding in any given year. NRW advise that the predicted frequency of the site flooding is considerably higher than the guidance of being flood free in the 1 in 100 year plus climate change event.

7.7.59 Despite the new buildings being designed to have a finished floor level of 8.6m AOD, NRW confirm that the mitigation has not extended to the parking areas and external areas. These areas are therefore not flood free and flood waters would extend to these areas during and above a 1 in 20 year event. The school could therefore flood 3 to 4 times over its lifetime. The proposal does not comply with this test and paragraph A1.14 of TAN 15.

Test 12 – In respect of the residual risk to the development it should be designed so that over its lifetime (A1.15) in an extreme (1 in 1000 chance) event there would be less than 600mm of water on access roads and within properties, the velocity of any water flowing across the development would be less than 0.3m/second on access roads and 0.15m/second in properties and the maximum rate of rise of floodwater would not exceed 0.1m/hour (refer to table at paragraph 7.7.41).

7.7.60 The two new buildings have been designed to be flood free with finished floor levels of 8.6m AOD so they would be flood free during the extreme (1 in 1000) event. However, as the site is not being raised the external areas would not be flood free, and NRW advise that during the 1 in 100 year plus climate change event the site could experience flood depths of 1 metre and velocities of 0.4 metres/second. As such the proposal does not fully satisfy this test.

7.7.61 In summary, the site is within a flood plain and the provision of a new school constitutes a 'highly vulnerable development' and paragraph 2.1 of TAN 15 identifies that flooding can place lives at risk. It is considered that the location of the new school is justified. However, when assessing whether the risks and consequences of flooding can be satisfactorily managed, the proposal does not satisfy all the tests in TAN 15. The development would not be flood free during a 1 in 100 year fluvial event on the River Ebbw, and the site would experience significant depths and velocities of flooding. NRW object on the basis that the application does not demonstrate that the risks and consequences of flooding can be managed. The scheme would result in an additional 900 pupils and 106 staff, as well as members of the emergency services being put at risk over and above those that attend and work at the Duffryn High school site, as advised by NRW. TAN 15 advocates a precautionary approach and the proposal is therefore contrary to policy SP3 of the LDP and TAN 15.

7.8 Highway Matters

A Transport Statement (TS) prepared by NPS Group (September 2015) has been submitted in support of the application. The TS identifies that the existing school currently manages 7 buses which come on and off the site at the end of the day and this is used by 500 (45%) of the current 1,129 students on site. It is acknowledged that the current arrangements are not ideal with buses blocking the school driveway, and the provision of dedicated coach drop off/pick up area would be enhanced increasing capacity and improving safety. For students and staff living closer to the site it is highlighted that there is a good network of footways and cycleways.

7.8.1 In relation to student trips it is identified that the creation of the Welsh Medium Secondary School would result in a reduction of the average distance travelled by students in Newport

by over 8 miles. Given the nature and catchment of the school it is anticipated that around 75% of students would arrive by bus/coach and the provision of 10 dedicated coach drop off and pick up bays would aid the safe arrival and departures for students. Ten dedicated parking bays would be provided in the site for parents dropping off students by car and it is forecast that around 20% (150) of students would be dropped off by car by 2021, and this equates to 100 car trips before and after school. The TS confirms that as the trips during the morning are staggered the provision of 10 bays is considered to be sufficient.

- 7.8.2 The TS notes that there would be a phased increase in the intake of students initially starting with 210 pupils in 2017, building up approximately 150 per year to around 750 by 2020. It is considered that this gradual increase would enable the careful monitoring of travel patterns and impacts and enable additional measures to be put in place.
- 7.8.3 With regards staff trips, Duffryn High School employs 143 full time and part time staff, and 143 spaces would be provided within the site. Once fully occupied the new Welsh Medium School would require 106 members of staff. The maximum level of car parking required in accordance with the Council's Parking Standards would be 78 spaces. The submitted plans illustrate 66 car parking spaces for staff, and this would represent a shortfall. However, it is anticipated that this shortfall could be accommodated on the sports hall site on Lighthouse Road.
- 7.8.4 The Head of Streetscene and City Services (Highways) has reviewed the TS and has no objection to the proposal. It is considered that the staff and student trips to and from the new school could be safely accommodated, and there would be no detrimental impact on the surrounding highway network. Additionally, the provision of dedicated drop off bays within Duffryn High School would improve safety. The proposal is therefore considered to be acceptable on highway grounds.

7.9 Neighbour Amenity

The nearest residential properties to the site are those along Cormorant Way to the north, Brigantine Close/Way to the west and Schooner Avenue/Circle/Close to the south. The new building serving the Welsh Medium School would be sited to the north of the site and the closest properties would be those on Cormorant Way. However, these properties are considered to be a sufficient distance from the site so that there would be no unacceptable impact on residential amenity through any overbearing impact or loss of privacy.

- 7.9.1 Turning to the new build accommodation block that would serve Duffryn High School, it would have a maximum height of 13.0m and windows are proposed in all elevations, including those facing the southern boundary with Schooner Avenue/Circle/Close to the south. The building at its nearest point would be some 40m off the boundary with these properties, which is considered to represent a sufficient distance to ensure that would be no unacceptable overbearing impact or loss of privacy.
- 7.9.2 Concerns have also been raised by local residents regarding an increase in noise and the impact of floodlighting. The scheme has been amended whereby two of the hard courts areas have been relocated from the south of the site to the west of building 3, which would reduce the impact of any noise from students playing or kicking balls against the fence. It is accepted that a new school would increase the number of students on site, but it is considered that given the extensive nature of the site there would not be any significant increase in noise over and above existing levels. The only floodlighting proposed relates to that around the perimeter of the 3G pitch towards the central section of the site and due to the distances involved and the presence of existing buildings this would minimise any light spill to adjacent residential properties.

7.10 Playing Fields

The proposal would involve the loss of an existing playing field to the north which would accommodate the parking area and new building for the Welsh Medium Secondary School.

- 7.10.1 Policy CF1 of the LDP and paragraph 11.1.12 of Planning Policy Wales identifies that all playing fields should be protected from development except where facilities can be best retained and enhanced through the redevelopment of a small part of the site or that the land is surplus to requirements.
- 7.10.2 The Council's Planning Policy Section has advised that within the Tredegar Park ward there is a surplus of 7.48 hectares of playing pitches. Sport Wales are satisfied that there are sufficient playing pitches within the area, but raise concerns about the level of provision for the Welsh Medium Secondary School. These concerns were raised with the agent who has confirmed that this shortfall could be offset by providing an all weather pitch which double counts. With this commitment from the Council it is considered that there will be sufficient provision for pupils attending the Welsh Medium Secondary School.
- 7.10.3 Overall, it is considered that there is a surplus of playing pitches in the Tredegar Park ward and that the proposal is consistent with policy CF1 of the LDP and paragraph 11.1.2 of PPW.

7.11 Protected Species and SSSI

A Phase 1 Habitat Survey has been undertaken by Green Services Ecology. The survey makes a number of recommendations including the provision of a reptile mitigation strategy, native wildflower planting and eradication of Himalayan Balsam. The Survey also makes specific recommendations to safeguard the integrity of the adjacent Gwent Levels SSSI including a condition requiring a construction environmental management plan and a buffer zone of 12.5m from the reën during construction.

- 7.11.1 A bat survey report has also been submitted, which identifies that no bats were observed using any of the buildings or roosting in any of the trees on the site. The report recommends that the bat roosting opportunities should be created within the new buildings on site.
- 7.11.2 The Council's Ecologist has reviewed both surveys and has no objection to the proposal subject to conditions. Overall it is considered that with appropriate conditions the proposal would not have any detrimental impact on protected species or the integrity of the SSSI.

7.12 Trees

A Tree Survey has been submitted in support of the planning application, which identifies a number of management recommendations that includes the felling of 29No. trees due to their poor condition. A number of trees have been removed to facilitate the access off Duffryn Way. The Council's Tree Officer has no objection to the proposal.

7.13 Other Issues

- 7.13.1 In relation to surface water and foul water a Drainage Strategy has been submitted, which identifies that all existing surface water from existing buildings and hardstanding drain through a series of private sewer into the dry reën to the north east of the site. Foul water is currently drained through private sewers to a wet well at the north east of the site. The proposed strategy is for all surface water from the new hardstanding to drain into the dry reën at a rate equivalent to the greenfield run off rate. The Council's Drainage Section has no objection to the proposal. Welsh Water has no objection to the proposal subject to conditions.
- 7.13.2 With regards Archaeology, GGAT has recommended a condition requiring a written scheme of investigation.

8. OTHER CONSIDERATIONS

8.1 *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. In the event of

a flood evacuation, the Flood Management and Emergency Plan identifies that the school buildings and site would be secured where possible following evacuation. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

8.2 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.

8.3 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.

8.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

8.5 Planning (Wales) Act 2015 (Welsh language)

The above duty has been given due consideration in the determination of this application. It is considered that by creating Newport's first Welsh Medium Secondary School the proposal would have significant benefits in promoting the use of the Welsh language within the City.

8.6 Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act 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 (section 5). This duty has 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.

9.0 CONCLUSION

The development of Newport's first Welsh Medium Secondary School and the improvement of facilities at Duffryn High School would have a number of significant benefits including the promotion of the Welsh language in the City. Substantial match funding from the Welsh Government is in place to deliver this. However, these benefits are outweighed by the fact that the development of a new school places an additional 900 pupils and 106 staff and other persons including the emergency services at increased risk that would arise from the risk of flooding. TAN 15 advocates a precautionary approach and to direct highly vulnerable development away from flood zone C. NRW object due to the risk to life and property within the site and safe access and egress cannot be guaranteed in all scenarios. The application fails to demonstrate that the risk and consequences of flooding can be acceptably managed and is therefore contrary to policy SP3 of the LDP and the tests identified in TAN 15.

RECOMMENDATION

REFUSAL

01 The proposal represents the intensification of a highly vulnerable development at a site within the flood plain, and runs contrary to the precautionary principle of national planning

policy. The scheme fails a number of the tests set out in Technical Advice Note 15: Development and Flood Risk (2004) principally the flood defences are not structurally adequate during the lifetime of development; effective flood warnings cannot be guaranteed in all scenarios; escape/evacuation routes are not operational under all conditions; increase in flooding elsewhere; the development is not flood free for the lifetime of the development and in an extreme event the development does not satisfy the tolerable conditions in relation to depths, rate of rise, speed of inundation and velocity. The application has failed to demonstrate that the risks and consequences of flooding can be acceptably managed in regard to the relevant tests in TAN 15. The proposal is contrary to policy SP3 of the Newport Local Development Plan 2011-2026 (adopted January 2015), Technical Advice Note 15 and Planning Policy Wales Edition 8 (January 2016).

NOTE

01 This decision relates to the following plans and documents: Site location plan R1, Proposed site layout plan – West site, External Works – Fence Type Plan, Trees for Removal – West site, Proposed ground floor plan building 2, Proposed elevations building 2, Proposed ground floor plan BU4, Proposed first floor plan BU4, Proposed second floor plan BU4, Proposed roof plan BU4, Proposed Sections BU4, Proposed elevations, BU4 sheet 1 of 2, proposed elevations BU4 sheet 2 of 2, Proposed ground floor plan BU5, Proposed first floor plan BU, Proposed roof plan BU5, Proposed elevation BU5 sheet 1, Proposed elevations BU5 sheet 2, Proposed sections BU5, Cycle Storage, Separation Fence, Weldmesh fence – Gate, Pallisade fence – Gate, Abacus Sports Column, Lighting Plan, Duffryn School Flood Consequence Assessment 2nd Issue October 2015, Duffryn School FCA Mitigation Addendum, Final Report November 2015, Flood Management and Emergency Plan, Justification Statement, Transport Statement: Revision October 2015, Framework Travel Plan Revision A September 2015, Drainage Strategy Part 1, Drainage Strategy Part 2, Duffryn High School, Newport BS5837 2012 Tree Information, Structural Assessment of Existing Buildings 1st July 2015, Phase 1 Habitat Survey July 2015, Bat Report July 2015, and Design and Access Statement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP3, SP12, GP1, GP2, GP3, GP4, GP5, GP6, GP7, CE6, CE8, CF1 and T4 were relevant to the determination of this application.

03 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

04 Planning Policy Wales 8th Edition (January 2016), Technical Advice Note 15: Development and Flood Risk, Technical Advice Note 16: Sport, Recreation and Open Space (2009) and Technical Advice Note 20: Planning and the Welsh Language (2013) were relevant in the determination of this application.

APPLICATION DETAILS

No: 15/1103 **Ward:** *TREDEGAR PARK*
Type: *FULL (MAJOR)*
Expiry Date: *02-NOV-2015*
Applicant: *GARETH DRAPER*
Site: *DUFFRYN HIGH SCHOOL, LIGHTHOUSE ROAD, NEWPORT, NP10 8YD*
Proposal: *SUBDIVISION OF EXISTING DUFFRYN HIGH SCHOOL SITE TO FACILITATE THE PROVISION OF A WELSH MEDIUM SECONDARY SCHOOL. CONSTRUCTION OF 1NO. 3 STOREY TEACHING BLOCK TO SERVE DUFFRYN HIGH SCHOOL AND 1NO. 3 STOREY TEACHING BLOCK TO SERVE WELSH MEDIUM SCHOOL. CREATION OF NEW*

**VEHICULAR AND PEDESTRIAN ACCESS POINTS, AMENDED
PARKING/DROP OFF AREAS, NEW SPORTS PITCHES, PLAYING
FIELDS AND FLOODLIGHTING OF 3G PITCHES. MINOR ALTERATIONS
AND NEW ACCESS RAMP TO BUILDING 2**

1. LATE REPRESENTATIONS

- 1.1 76 letters of support and an online petition signed by 1,450 people (midday on 1st February 2016) in support of the planning application have been received. The following is a summary of the responses:
- Vital improvement needed for education of local children.
 - Needs to be delivered to fulfil promises to parents.
 - Vital to have smooth transition from Welsh primary to secondary education.
 - Reduction in travel.
 - Full support with Welsh Government 21st Century funding.
 - Benefits to local community through improved facilities.
 - Application has strong public support.
 - Dismayed proposal may not go ahead due to position within flood plain.
 - Important to the future of Newport children that Newport has its own Welsh Medium Secondary School.
 - Having reviewed Draft Flood Management Document it appears that both the design for the new buildings and evacuation protocol are implemented, tested and rehearsed, have no objection to children attending school.
 - More concerned about children in existing school which appears to be more at risk.
 - As there are no alternative sites, nor required funding hope concerns raised about flooding and highly sensible mitigation procedure are given proper consideration.
 - Existing facilities for students not fit for purpose.
 - Excitement about Duffryn High School getting a new building.
 - Disparate nature of building makes site difficult to manage.
 - Project lifeline to community.
 - The site is ideal to provide Welsh School.
 - With thousands of new homes in the area need to attract students so that both schools will thrive.
 - Sure concerns relating to potential flooding have been considered before announcing current proposals.
 - Read recently that flood risks will be substantially reduced following strengthening of flood defences at Tredegar Park.
 - Claims made in press suggest that the development would now comply with the 1:100 year flood risk rule. Should this not be the case would urge Council to approve any flood mitigation similar to those implemented at Monmouthshire Comprehensive.
 - Council should be congratulated on its forward thinking proposals.
 - Concerned pupils will be scattered around surrounding areas schools.
 - Proposal is vitally important for Welsh language.
 - Concerned about lack of strategic thinking of planning department with thousands of homes built on flood plain.
 - Council allowed residential development in adjacent areas.
 - Surely site would have flood during the past 3 months with recent bad weather and why sea wall defence was built.
 - Finding another location to site the development is unlikely and would be expensive.
 - Thought of project starting again is utterly contemptible.
 - Uncertainty about educational future is unnerving.
 - Issue of flooding was raised at a number of meetings and never fully addressed.
 - Require a safe Welsh Medium School in Newport.

- If application is refused on flooding grounds, you should move everyone on the Duffryn estate Celtic Horizons, Panasonic development, St Joseph's School and from Duffryn High School.
 - Safety and flood prevention is crucial but ask that every effort is made to find a way to satisfactorily resolve these challenges.
 - When did Duffryn suffer from major flooding?
 - Late refusal will cost Newport taxpayers.
- 1.2 A letter of objection has been received that is summarised as follows:
- Support the building of a Welsh School but this site is not suitable.
 - Traffic in the area is ridiculous.
 - Sharing the site with existing school will lead to bullying.
- 1.3 The following response has been received from the Chief Education Officer, Newport City Council:
- "In setting their objection NRW say they take a 'precautionary' approach and invite the authority to mitigate the location and the risks / consequences of flooding; this has been achieved by Newport City Council publishing a 54 page Justification Statement and a gold standard Flood Management Plan that mitigates the risk to life - both have been accepted by the schools, shared with Members of Committee, and are in the public domain - enabling Committee to take the decision, if so minded, to approve this application."

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

- 2.1 The Committee Report at paragraphs 7.5.1 to 7.5.7 describes the benefits of the scheme. The representations received have re-iterated the significant benefits of the proposal and Planning Officers fully acknowledge these benefits and the strength of opinion in support of the proposal for the delivery of a Welsh Medium Secondary School at the site, as well as the provision of improved facilities for Duffryn High School. Extensive coverage has been provided on the flood issues raised in the letters of support, at paragraphs 7.7.1 to 7.7.61 of the report. However, Planning Officers consider that these benefits are outweighed due to the fact that the risks and consequences of flooding cannot be acceptably managed.
- 2.2 Comments have been received about new homes and a new school being constructed within the Duffryn area. A number of these developments including St Joseph's Roman Catholic High School and the land at Morgan Way obtained planning permission, prior to the introduction of TAN 15: Development and Flood Risk (July 2004). Planning permission for the redevelopment of the former Panasonic site was more recent (February 2014) where flood risk was a material consideration. However, due to the site being located on the periphery of the flood plain, the raising of the development site and the access from Imperial Way/Pencarn Way to the north being flood free during all scenarios the proposal was considered to be acceptable on grounds of flood risk. Additionally, NRW had no objection to the proposal.
- 2.3 As a point of correction, at paragraph 7.7.53 reference to the local planning authority should be replaced with Planning Officers: Planning Officers are professionally qualified advisers, so clarification on the scope of their professional expertise is required. The assessment of flood emergency plans/documents is outside the skill set of planning officers. Planning Committee has a responsibility of making planning decisions and it is within their remit to make a judgement on the issue of such plans/documents on the basis of advice from the applicant.
- 2.4 In respect of paragraph 9.0 (Conclusion) which states that NRW object due to the risk to life, Planning Officers wish to clarify that this is an interpretation of what NRW are stating in their consultation response. NRW do not specifically use the phrase risk to life. However, they do make reference to the flood hazard ratings that provide an indication on the risks to people, which during the 1 in 20 year is 'Danger for some' (Includes children, the elderly, and the infirm), and during the 1 in 100 and 1 in 1000 event the access roads have a hazard rating classification as 'Danger to all' (including emergency services).
- ## **3. OFFICE RECOMMENDATION**
- 3.1 There are clear benefits that would result from the scheme in delivering a Welsh Medium Secondary School and the provision of improved facilities for Duffryn High School, but it is

not considered that any of the points raised in the late representations would justify a change in the officer recommendation, which remains:
REFUSED

APPLICATION DETAILS

No: 15/1140 **Ward:** *STOW HILL, GAER*

Type: FULL (MAJOR)

Expiry Date: 16-NOV-2015

Applicant: *CHARTER HOUSING ASSOCIATION LTD.*

Site: *11, STOW PARK AVENUE, NEWPORT, NP20 4FJ*

Proposal: *CHANGE OF USE OF A RESIDENTIAL CARE HOME (C2 USE) INTO 12NO. ONE BED APARTMENTS (C3 USE) AND ASSOCIATED STAFF ACCOMMODATION, DEMOLITION OF CONSERVATORY AND TWO STOREY FRONT EXTENSION AND CONVERSION OF COACH HOUSE TO FORM 1NO. DWELLING*

Recommendation: **GRANTED WITH CONDITIONS SUBJECT TO A S106 AGREEMENT WITH DELEGATED POWERS TO REFUSE IN THE EVENT THAT THE AGREEMENT IS NOT SIGNED WITHIN THREE MONTHS OF THE DECISION.**

1. INTRODUCTION

- 1.1 This is a full planning application for the change of use of a residential care home (C2 use) into 12No. one bed apartments (C3 use) and associated staff accommodation, demolition of conservatory and two storey front extension and conversion of coach house to form 1No. dwelling. The planning application is being reported to Planning Committee as the scheme constitutes a major development.
- 1.2 The former 36 bed care home is a detached property sited at the junction of Stow Park Avenue and Stow Hill. The property has previously been extended/alterd and is split level with the northern part of the building being sited at a higher level. The property is predominantly finished in a buff brick and a slate roof. A detached coach house finished in natural stone and a slate roof abuts the northern boundary of the site fronting Stow Hill. The property lies within the Stow Park Conservation Area. Access to the property is off Stow Hill.
- 1.3 The property is bounded by Manor Lodge, a residential institution (C2 use) to the west and a dwelling known as the White House to the south. Further residential properties are sited to the north and east. The area is characterised by substantial Victorian properties.

2. RELEVANT SITE HISTORY

11/0359	Construction of a single-storey dayroom and WC	Granted with conditions
92/1078	Erection of first floor extension with pitched roof	Granted with conditions
91/1374	First floor pitched roof extension to form additional bedroom	Granted with conditions

3. POLICY CONTEXT

3.1 **Newport Local Development Plan 2011-2026 (Adopted January 2015)**

Policy SP1 identifies that proposals are required to make a positive contribution to sustainable development by concentrating development in sustainable locations on brownfield land within the settlement boundary.

Policy SP13 relates to Planning Obligations and that 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 its location.

Policy SP18 identifies that proposals will be favoured which assist the regeneration of the urban area, particularly where they contribute to: vitality, viability and quality of the city centre, provision of residential opportunities, and re-use of vacant land.

Policy GP1 refers to general development principles designed to withstand climate change and reduce the risk to flooding.

Policy GP2 aims to protect general amenity in terms of noise and disturbance, privacy, overbearing impact, light and visual amenities.

Policy GP3 identifies that development will be permitted where the necessary and appropriate service infrastructure exists and that there is sufficient capacity for the development within the public foul sewer and if not satisfactory improvements are provided by the developer.

Policy GP4 relates to highway and access and requires that development should provide access for pedestrians, cyclists, be accessible to main transport routes and provide cycle storage.

Policy GP5 seeks to protect the natural environment, including trees.

Policy GP6 seeks a good quality of design in all development.

Policy GP7 refers to Environmental Protection and Public Health and that development will not be permitted which will cause risk to the environment, local amenity, health or safety.

Policy CE7 Conservation Areas sets out the criteria that development proposals within or adjacent to the conservation area must comply with in order to preserve or enhance the conservation area.

Policy H2 states that residential development should be built to high standards of environmental and sustainable design, taking into account the whole life of the dwelling

Policy H4 refers to Affordable Housing and states that on-site provision of affordable housing will be required on all new housing sites of 10 or more dwellings within the settlement boundary, or 3 or more dwellings within the defined village boundaries.

Policy H8 refers to Self Contained Accommodation and Houses in Multiple Occupation. Within the defined settlement boundaries, proposals to subdivide a property into self-contained accommodation, bedsits or a house in multiple occupation will only be permitted as long as the scale and intensity of the use does not harm the character of the building and does not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on street parking problems; provides adequate noise insulation and amenity for future occupants.

Policy T4 states that development will be required to provide appropriate levels of parking, within defined parking zones, in accordance with adopted parking standards.

4. **CONSULTATIONS**

4.1 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: No objection to the positive determination of this application.

4.2 HEDDLU GWENT POLICE (ARCHITECTURAL LIAISON OFFICER): No objection.

4.3 NEWPORT ACCESS GROUP: No response.

4.4 NEWPORT CIVIC SOCIETY: No response.

4.5 REGIONAL AMBULANCE OFFICER: No response.

4.6 SOUTH WALES FIRE AND RESCUE: No response.

- 4.7 WALES AND WEST UTILITIES: Advise of pipes and apparatus in the area.
- 4.8 WELSH WATER: We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Sewerage Condition: No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to 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.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (DRAINAGE): No response
- 5.2 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): I accept that the parking generation associated with the existing use is comparable to the parking requirement for the residential units. However in accordance with our parking standards visitor parking at a ratio of 1 space per 5 units is also required. My concern is that parking in the area seems very limited due to restrictions such as no waiting at any time and resident parking zones. Therefore it must be demonstrated that the additional visitor parking can be accommodated on street.

The applicant has not submitted any information which demonstrates that on street parking is available and I must therefore object to the application.

- 5.3 HEAD OF STREETSCENE AND CITY SERVICES (LEISURE): No response
- 5.4 HEAD OF STREETSCENE AND CITY SERVICES (TREE OFFICER): No objection subject to conditions.
- 5.5 HEAD OF LAW AND REGULATION (ENVIRONMENTAL PROTECTION): I confirm I would have no objection to the proposal, however I would recommend the following conditions:

Dust Mitigation
EH32

No development, to include demolition, shall commence until full details of dust mitigation methods to be employed during the development have been submitted to and approved in writing by the Local Planning Authority. The applicant should have regard to BRE guide 'Control of Dust from Construction and Demolition Activities'. The methods as agreed shall be implemented for the duration of the development.

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

Due to the location of the premises on a busy junction, a scheme of sound insulation should be required to be submitted for approval. The scheme of sound insulation should include glazing and ventilation details to ensure the following internal noise levels are achieved; 40dB(A) Leq 16 hours (day) and 35dB(A) Leq 8 hours (night).

- 5.6 HEAD OF REGENERATION, INVESTMENT AND HOUSING (HOUSING DEVELOPMENT MANAGER): This application is being submitted by a partner housing association and is fully supported by the Housing Department. The development proposes 12 one bed room apartments which assist in providing for the prevailing housing need in this area. This area of the City is extremely popular as it has good transport links but extremely good local

facilities of its own, with doctors surgeries, shops etc within easy walking distance. Social Housing Grant has been obtained for the development of the site and therefore has the

financial support of Welsh Government. All of the housing will therefore be affordable housing and will be allocated via the Common Housing Register in accordance with the appropriate policy.

5.7 HEAD OF REGENERATION, INVESTMENT AND HOUSING (CONSERVATION OFFICER (HISTORIC BUILDINGS)): Support the application in principle.

5.8 HEAD OF REGENERATION, INVESTMENT AND HOUSING (PLANNING CONTRIBUTIONS MANAGER): The current application comprises 13 affordable dwellings. Current Council policy (specified in the adopted Planning Obligations SPG 2015) stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations. As such, no planning obligations are requested.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within 50m of the application site were consulted, a site notice displayed, and a press notice published in the South Wales Argus. One comment has been received and can be summarised as follows:
- Object to the two new windows on the south side of the upper ground floor level, which have views into my lounge window and impact on my privacy.

7. ASSESSMENT Proposal

7.1 Full planning permission is sought for the conversion and the extension of the property to form 12 No. 1 bed apartments within the main building and 1 No.1 bed dwelling within the coach house. The scheme would provide independent living accommodation (C3 use) for persons with learning disabilities, and the applicant Charter Housing Association has funding to provide this accommodation. However, in the event the funding is withdrawn or the accommodation is no longer required the proposed units would provide affordable housing for persons from the general needs register. The overall aim of the proposal is to provide independent living for people with learning disabilities. Communal areas within the property are proposed, and staff accommodation is proposed at second floor.

7.2 In order to facilitate the change of use, the external fire escapes and conservatory would be removed from the building. A two-storey infill extension is proposed off the northern elevation measuring 2.0m by 4.0m. A pitched roof is proposed to a maximum height of 6.8m. The extension would be finished in a matching buff brick.

7.3 The existing access off Stow Hill that leads to a parking area for five cars would be retained as part of this proposal, but two new pedestrian access points off Stow Hill and Stow Park Avenue are proposed.

7.4 A bin storage area, timber shed and cycle store is proposed along the southern boundary of the site.

Principle of Development

7.5 The site falls within the defined settlement boundary, and policy H8 of the LDP supports proposals to subdivide a property to allow the provision of self-contained accommodation, subject to a number of criteria that have been identified in the planning policy section of the report above. As a result the principle of this development is considered to be acceptable subject to other material considerations that will be discussed below.

Design and Impact on Conservation Area

7.6 The application property has been substantially altered over time and is currently vacant. The removal of the external fire escape and rear conservatory are positive features of the

scheme, and allow the original form of the building to be easily read. A two-storey infill extension is proposed at the front of the property, but this would be set back 1.0m off the

front elevation and the matching brick and window details with soldier course above would ensure that this part of the proposal would preserve the character of the property.

- 7.7 Extensive negotiation has been undertaken with the applicant on the palette of materials proposed. The treatment of the eastern elevation of the building facing Stow Park Avenue is an important element of the building in terms of its prominence within the Conservation Area. No external alterations are proposed to this part of the building, but it is proposed to replace the roof with natural slate and lead rolled ridges. The external door and unsympathetic windows would be replaced with timber box sash windows. The use of these materials would therefore ensure that the character of the Conservation Area would be enhanced.
- 7.8 Turning to the remainder of the building all replacement windows would be uPVC box sash and rainwater goods would be cast aluminium. The remainder of the roof would be finished in riven slates and a butt jointed ridge tile. The original bargeboards on the northern and southern elevation would be repaired. The Conservation Officer has confirmed that in principle he is satisfied with this approach.
- 7.9 Overall, it is considered that the alterations proposed to the property are acceptable and the re-use of this vacant property would enhance the character of the Conservation Area.

Neighbour Amenity

- 7.10 Concerns were raised by the owner of the neighbouring property in relation to the creation of two windows serving flat 6 in the upper ground floor southern elevation of the rear wing of the building facing his property. The applicant has subsequently removed one of the windows with the remaining window being obscurely glazed. Two additional windows would serve this open plan kitchen/living area and these include an existing window in the eastern elevation facing the neighbouring property, which would be enlarged. The windows serving flat 6 would overlook the rear amenity area of the neighbouring property, which is a care home (C2 use). No objections have been received from the adjacent care home (C2 use) in relation to the proposal. Officers are satisfied that given the nature of the adjoining use where lower privacy standards are expected there would be no detrimental impact on neighbour amenity through any loss of privacy. Additionally, it is considered that the remaining units, the use of the Coach House as a 1 bed dwelling and the front extension would not give rise to any unacceptable impact on the amenity of neighbouring properties.

Residential amenity for future residents

- 7.11 Future residents would have access to the rear amenity space area at the south of the property. An external bin storage area and cycle store is proposed along the southern boundary. The Council's Environmental Health Officer has requested a scheme of noise insulation be submitted to include glazing (and mechanical ventilation where required) and it is recommended that this is controlled by condition. It is therefore considered that there would be adequate amenity for future occupiers.

Impact on Trees

- 7.12 The Council's Tree Officer had concerns regarding the street trees on Stow Park Avenue that lie outside the application site, whose roots would fall within the garden area of the property. Revised plans have been received that illustrate the relocation of the ramp outside the root protection area. The Council's Tree Officer is satisfied with this approach and has no objection. A condition requiring the submission of an arboricultural method statement is recommended. It is considered that would not have a detrimental impact on any street trees that make a positive contribution to the character of the Conservation Area.

- 7.13 The property falls within zone 2 as stipulated in the Newport Parking Standards Supplementary Planning Guidance (August 2015). The property currently benefits from the provision of 5 on-site parking spaces, and the Head of Streetscene and City Services (Highways) accepts that the parking generation associated with the existing use is comparable to the parking requirements for residential units. However, in accordance with the Council's Parking Standards a visitor parking ratio of 1 space/5 units is required, which equates to 2 spaces.
- 7.14 The principal concern relates to the lack of on-street parking within the vicinity of site. It is accepted that there are restrictions in place on Stow Park Avenue. However, the property is located on the main arterial route into Newport, which is served by a bus route (two bus stops within 50m) and the city centre falls approximately 1km to the north east, and the railway station 650m to the north. In addition the property is located within 400m of a district centre. In this particular case, given the sustainable location of the property and the nature of the end user whom are likely to drive, it is considered that a shortfall in visitor parking would not lead to such an increase in pressure for on-street parking that would be detrimental to highway safety. The proposal is therefore considered to be acceptable on highway grounds.

S106 contributions

- 7.15 The application proposes 13 affordable units. Planning obligations are normally requested to mitigate the direct impact of development and, thereby provide sustainable development. The adopted Planning Obligations Supplementary Planning Guidance identifies that affordable housing is exempt from contributing towards leisure and education planning obligations. Although this is noted it is considered necessary to have safeguards to ensure that if any of the proposed affordable units are sold on the open market, education and leisure contributions would be required. Should the developer decide to sell the properties on the open market there would be a requirement for 30% affordable housing on-site provision at no more than 50% of ACG.

8. OTHER CONSIDERATIONS

8.1 *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.

8.2 *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.

8.3 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.

- 8.4 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.

8.5 *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.

8.6 *Wellbeing of Future Generations (Wales) Act 2015*

Section 3 of the Act 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 (section 5). This duty has 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.

9. CONCLUSION

9.1 The proposed residential use of this building is welcomed. It is considered that the proposed conversion is sympathetic to the character of the Conservation Area and its residential use would enhance the area as whole. It is accepted that there is a shortfall in visitor parking of 2 spaces, but given the overall benefits of the scheme it is considered that this outweighs any shortfall in visitor parking. It is therefore recommended that the application be granted subject to conditions suggested below.

10. RECOMMENDATION

GRANTED WITH CONDITIONS SUBJECT TO A S106 AGREEMENT WITH DELEGATED POWERS TO REFUSE IN THE EVENT THAT THE AGREEMENT IS NOT SIGNED WITHIN THREE MONTHS OF THE DECISION.

01 The development shall be implemented in accordance with the following plans and documents: 1000 Site location plan, 2001 F proposed site plan, 2101 I proposed lower ground floor, 210 3E proposed first floor, 2102 I Proposed Upper Ground Floor, 2104 E proposed second floor, 220 1D Proposed North Elevation, 2203 G Proposed West Elevation, 2204 F Proposed East Elevation, 2105 I proposed coach house, 2202 H proposed south elevation and 2002 Timber Bin Store details.

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 No development shall commence until details/samples of materials and finishes to be used on the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out using the approved materials.

Reason: To ensure that the development is completed in a manner compatible with its surroundings.

03 No development shall commence until a scheme of sound-insulation and ventilation measures, devised in the light of a comprehensive assessment of external noise, has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme must ensure that all habitable rooms exposed to external 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) during the night (23:00 to 07:00 hours) achieve an internal noise level of 40 dBA Leq 16 during the day and 35 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.

Reason: To secure an adequate level of residential amenity for future occupiers.

04 Prior to the commencement of development, full details of dust suppression measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be installed and utilised throughout the duration of construction, in accordance with the approved details.

Reason: In the interests of highway safety and residential amenity.

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 with 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) Timing and phasing of arboricultural works in relation to the approved development;

(b) Construction exclusion zones;

(c) Protective barrier fencing;

(d) Ground protection;

(e) Service positions;

(f) Special engineering requirements including 'no dig construction';

(g) Pre construction tree works;

(h) Approved tree removals;

(i) Access facilitation pruning;

(j) Landscaping;

(k) 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 Council's Tree Officer.

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

Reason: To protect important landscape features.

Prior to the installation

06 Prior to the installation of replacement windows, details or samples shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character of the Conservation Area.

07 Prior to the installation of any external gas meters, full details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character of the Conservation Area.

Prior to occupation

08 Prior to the beneficial occupation of any unit hereby approved, the upper ground floor window in the southern elevation serving flat 6 shall be fitted with obscure glazing and shall be retained in that state thereafter.

Reason: To protect the privacy of adjoining occupier.

NOTE TO APPLICANT

01 This decision relates to the following documents: Tree Survey, Design and Access Statement, Planning Statement, Schedule/Justification of proposed materials.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP13, SP18, GP1, GP1, GP2, GP3, GP4, GP5, GP6, GP7, CE7, H2, H4, H8, and T4 were relevant to the determination of this application.

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

04 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

APPLICATION DETAILS

No: 15/1140 **Ward:** **STOW HILL, GAER**

Type: Full (Major)

Expiry Date: 16-NOV-2015

Applicant: **CHARTER HOUSING ASSOCIATION LTD. C/O AGENT**

Site: 11, Stow Park Avenue, Newport, NP20 4FJ

Proposal: **CHANGE OF USE OF A RESIDENTIAL CARE HOME (C2 USE) INTO 12NO. ONE BED APARTMENTS (C3 USE) AND ASSOCIATED STAFF ACCOMMODATION, DEMOLITION OF CONSERVATORY AND TWO STOREY FRONT EXTENSION AND CONVERSION OF COACH HOUSE TO FORM 1NO. DWELLING**

1. LATE REPRESENTATIONS

1.1 The agent has submitted a response in relation to the highways position and the following summarises why they disagree with the stance of the Head of Streetscene and City Services (Highways):

- Site located in an extremely sustainable location.
- Scores 12 points in accordance with the sustainability criteria in the Newport City Council Parking Standards Supplementary Planning Guidance.
- Site falls within 400m of a district centre and within 50m of two bust stops with 7 services operating at least every 10 minutes.
- The scheme provides 5no spaces and 14 cycle spaces.
- Applicant not undertaken a parking survey since it is considered unnecessary since there is no policy requirement for additional spaces.
- The results of parking survey will not result in any additional parking being provided on site.
- Do not agree that current policy does not allow for visitor spaces to be excluded.
- SPG does not require visitor spaces when a sustainability appraisal has been undertaken.
- Application 14/1102 (scheme of 39No. over 55 apartments) provided 34 no. spaces and did not account for visitor spaces.
- Due to the nature of the end user for persons with learning disabilities it is likely that the end user will not drive so parking provision will not be taken up.
- Due to site constraints no opportunity to increase parking provision.

- Number of benefits of scheme including beneficial re-use of vacant building; provision of 13 No. affordable units; benefits to Conservation Area; benefits to wider community and management of site by a Housing Association.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

- 2.1 The Head of Streetscene and City Services (Highways) has reviewed the supporting information and provided the following response:

“As previously stated we consider that visitor parking must be provided in accordance with the Newport City Council Parking Standards. I note that the applicant disagrees in regard to the interpretation of the standards however as previously stated we consider that visitor parking must be provided. We have agreed that on street parking could be considered however the applicant is required to submit a parking survey to demonstrate that the spaces can be accommodated. The applicant has decided not submit a survey and therefore we have objected to the application.

I note the applicant’s comments in regard to the nature of the user however from our perspective the application is for a change of use to residential flats and we cannot control car ownership. The parking standards have therefore been applied accordingly.

The applicant had previously raised a query in regard to permit parking and whether visitor parking permits would be granted for residents. The issuing of permits would be dependent upon whether the each individual property had its own address. Visitor permits are also limited for any property and the issuing of them is dependent upon whether there is sufficient capacity and therefore it cannot be guaranteed that they would be available.

It’s my understanding that the application has been recommended for approval however our objection to the application is considered valid and therefore will be retained.”

3. OFFICER RECOMMENDATION

- 3.1 It is not considered that any of the points raised in the late representations would justify a change in the officer recommendation which remains:

GRANTED WITH CONDITIONS SUBJECT TO A SECTION 106 AGREEMENT WITH DELEGATED POWERS TO REFUSE IN THE EVENT THAT THE AGREEMENT IS NOT SIGNED WITHIN THREE MONTHS OF THE DECISION.

APPLICATION DETAILS

No: 15/1276 **Ward:** STOW HILL
Type: FULL (MAJOR)
Expiry Date: 31-DEC-2015
Applicant: T HARRIS, SEREN GROUP
Site: GLOUCESTER CHAMBERS, SKINNER STREET, NEWPORT
Proposal: CONVERSION OF LISTED BUILDING TO 16NO. AFFORDABLE HOMES RESIDENTIAL UNITS INCLUDING ALTERATIONS TO GROUND FLOOR FRONTAGE
Recommendation: GRANTED WITH CONDITIONS SUBJECT TO A S106 AGREEMENT

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the conversion of the vacant upper floors of 31-33 High Street and 2-4 Skinner Street into residential accommodation. It is proposed to convert the building into 16 self contained flats which would comprise 10, two bed flats and six, one bed flat. The property is located in a prominent position on the corner of High Street and Skinner Street and is situated within the City Centre Conservation Area. This is phase 2 of a development of two phases which proposes the residential development of the entire block between Griffin Street and Skinner Street. The property is a four storey French Renaissance style Grade II listed building Originally the upper storeys would have Commercial office space with homes over a shop at 32 High Street. The last use for most of the properties has been commercial offices or leisure space.
- 1.2 The applicant proposes that the units would be wholly affordable and the applicant is the Seren Group.

2. RELEVANT SITE HISTORY

06/0469	Residential conversion of disused space above shops to form 24no. flats including internal staircases, glazed roof lantern over inner courtyard, and new windows on courtyard elevations	Granted with conditions
06/0468	Listed Building consent for the residential conversion of disused space above shops to form 24no. flats including internal staircases, glazed roof lantern over inner courtyard, and new windows on courtyard elevations	Granted with conditions
11/1154	Variation of standard time condition to extend time period for commencement of development relating to planning permission 06/0468 for residential conversion to	Disposed of

	24no. flats	
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3. POLICY CONTEXT

3.1 The adopted Newport Local Development Plan 2011-2026 . The following policies are relevant to the determination of this application:

Objective 1 which seeks to ensure sustainable use of land by locating development in sustainable locations

Objectives 5. Conservation and the Historic Environment, 6. Conservation and the Natural Environment

Policy SP1 proposals are required to make a positive contribution to sustainable development by concentrating development in sustainable locations on brownfield land within the settlement boundary.

Policy SP9 the conservation, enhancement and management of recognised sites within the natural, historic and built environment will be sought in all proposals.

Policy SP13 Planning Obligations—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 its location.

Policy SP18 proposals will be favoured which assist the regeneration of the urban area, particularly where they contribute to: vitality, viability and quality of the city centre, provision of residential opportunities, and re-use of vacant land

Policy GP1 General development principles designed to withstand climate change and reduce the risk to flooding.

Policy GP2 which aims to protect general amenity in terms of noise and disturbance, privacy, overbearing impact, light and visual amenities

Policy GP3 development will be permitted where the necessary and appropriate service infrastructure exists and that there is sufficient capacity for the development within the public foul sewer and if not satisfactory improvements are provided by the developer.

Policy GP4 has regard to highway and access and requires that development should provide access for pedestrians, cyclists, be accessible to main transport routes and provide cycle storage

Policy GP5 which seeks to protect the natural environment, including trees,

Policy GP6 which seeks a good quality of design in all development.

Policy GP7 refers to Environmental Protection and Public Health development will not be permitted which will cause risk to the environment, local amenity, health or safety.

Policy CE6 Archaeology development proposals will normally be required to undertake an archaeological impact assessment before the proposal is determined

Policy CE7 Development within or adjacent to conservation areas shall preserve and enhance the character and appearance, avoid the removal of historic features, use traditional materials, reflect architectural qualities of nearby buildings , pay attention to the siting of the building and avoid impact upon significant views.

Policy H2 states that residential development should be built to high standards of environmental and sustainable design, taking into account the whole life of the dwelling

Policy H4 refers to Affordable Housing and states that on-site provision of affordable housing will be required on all new housing sites of 10 or more dwellings within the settlement boundary, or 3 or more dwellings within the defined village boundaries.

Policy H8 Self Contained Accommodation and Houses in Multiple Occupation within the defined settlement boundaries, proposals to subdivide a property into self contained accommodation, bedsits or a house in multiple occupation will only be permitted as long as it does not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on street parking problems; provides adequate noise insulation and amenity for future occupants.

Policy T4 states that development will be required to provide appropriate levels of parking, within defined parking zones, in accordance with adopted parking standards

4. CONSULTATIONS

4.1 GLAMORGAN GWENT ARCHEAOLOGICAL TRUST: No response.

4.2 NATURAL RESOURCES WALES: We have reviewed the following Flood Consequences Assessment (FCA) – Flood Consequence Assessment, Griffin island Phase 2, Newport, Report Reference: 1548/002, prepared by PHG Consulting Engineers Ltd, dated 22nd December 2015 which has been submitted in support of this application. We note that this FCA has been submitted in relation to our response to the original planning application, our reference CAS-13614-M2X6, your reference CONEX/15/1276, dated 17 December 2015. The planning application site lies partially within Zone C1 and Zone B as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our flood map information, which is updated on a quarterly basis, confirms the site to be partially within the 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, a designated main river. We recognise that highly vulnerable development (residential) is proposed on the upper floors and as such is likely to be above any potential flooding levels should a flood event occur at this location.

The FCA states:-

- The level at the Skinner Street elevation is above the edge of the flood zone at +8.700m AOD and therefore access and egress will not generally be hindered by any sea or river flooding.

- The site lies on the edge of a Zone C1 area, but the main access and egress to the development lies outside of the C1 area and access and egress is not impeded.

We note that no Flood Warning Plans/Evacuation Procedures have been produced. However, the FCA does state “a site specific flood plan should be developed post-construction of the project to assist in the management of residual surface water flood risks.” The FCA also states that “Safe access and egress can be achieved in the event of a 0.1% flood occurrence for residents and for emergency services from the High Street North to the top end of Skinner Street.”

Your authority needs to be satisfied that any Flood Warning Plans/Evacuation Procedures are appropriate to the scale and nature of the development being proposed. We advise that flood depths at the entrance to the building may exceed the guidelines in A1.15 of TAN15. Therefore, we suggest you consult other professional advisors (e.g. Emergency Planners, Emergency Services, Building Control) on the acceptability of proposals and on matters we cannot advise on, such as, emergency plans, procedures and measures to address structural damage that may result from flooding. The authority may want to consider what the predicted flood risk is to the building and its access/egress routes. There could be implications for the residents of the units on the upper floors with regards to access and egress from the property during any flood event at this location. The authority needs to be satisfied that any Flood Warning Plans/Evacuation Procedures are appropriate to the scale and nature of the development being proposed. We do not normally comment on or approve the adequacy of flood emergency response and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users. Note the findings of the Bat Scoping Survey and Method Statement, and have no further comments to make on this report and refer you to your Local Authority’s Ecologist for further comment.

4.3 WALES AND WEST UTILITIES: Details of apparatus in the area.

4.4 SENIOR FIRE PREVENTION OFFICER: No response.

4.5 REGIONAL AMBULANCE OFFICER: No response.

- 4.6 NEWPORT ACCESS GROUP: No response.
- 4.7 HEDDLU – GWENT POLICE: No objection
- 4.8 DWR CYMRU – WELSH WATER: No response
- 4.9 COMMUNITIES FIRST STOW HILL: No response.
- 4.10 WESTERN POWER: Details of apparatus in the area.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): The property is located within zone 1 (City Core) and is therefore within close proximity of a number of public transport links, services and facilities. The provision of off street parking is therefore not required.
- 5.2 HEAD OF LEGAL AND REGULATION (PUBLIC PROTECTION): No response.
- 5.3 HEAD OF REGENERATION, INVESTMENT AND HOUSING (PLANNING CONTRIBUTIONS MANAGER): The current application comprises 16 affordable housing dwellings. The S106 obligations requested below reflect the need to mitigate the direct impact of the development and, thereby, provide a sustainable development.

NB: Current Council policy (specified in the adopted Planning Obligations SPG 2015) stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations. This local policy accords with national policy legislation.

2. Affordable Housing

The proposal is for 16 units to be developed and transferred to Seren (a partner housing association). The proposed properties address a clearly identified housing need for this area of the City and will be offered on a neutral tenure basis providing opportunities for applicants to rent or part-purchase their home. The properties will be allocated through the Common Housing Register (which the Seren Group are fully committed to). The properties will attain the appropriate Welsh Government standards where appropriate and achievable. Should the developer decide to sell the properties on the open market there would be a requirement for 30% affordable housing on-site provision (i.e. 5 units) at no more than 50% of ACG

3. Education

The development falls within the catchment area of Duffryn High School and St Woolos Primary School. Both schools have deficit capacity (as at January 2015) Whilst it is recognised that no education contribution is requested for affordable housing dwelling, it is necessary to build-in safeguards to ensure that if any of the currently proposed social housing units are sold on the open market, the following formula will be applied to any ‘open market’ dwellings:

Number of secondary pupils generated by market housing in excess of available capacity at Duffryn High School (prior to commencement of the development) x £15,302 = Secondary Education Sum;

Number of post 16 pupils generated by market housing in excess of available capacity at Duffryn High School (prior to commencement of the development) x £16,427 = Post 16 Education Sum;

Number of primary pupils generated by market housing in excess of available capacity at St Woolos Primary School (prior to commencement of the development) x £16,115 = Primary Education Sum.

Prior to commencement of the development, the Owner and/or Developer will notify the Council in writing of the number and type of dwellings which are to be 'open market' dwellings

All Education Sums will be index linked to the BCIS

4. Leisure

There is a deficit of Formal and Equipped provision within the Stow Hill Ward.

Whilst it is recognised that no leisure contribution is requested for affordable housing dwellings, it is necessary to build-in safeguards to ensure that any social housing units sold on the open market, will be subject to leisure planning obligation contributions. As such, any 'open market' dwellings will be subject to a financial leisure contribution, based on the following formula:

- Number of one bed 'open market' flats x £1,821;
- Number of two bed 'open market' flats x £3,816;

Prior to commencement of the development, the Owner and/or Developer will notify the Council in writing of the number and type of dwellings which are to be 'open market' dwellings

All Leisure Sums will be index linked to the RPI

5. Monitoring Fees

A Monitoring Fee of £912 will be required to cover the Council's cost incurred in entering into early negotiations and ongoing monitoring of the planning obligations. Payment due upon signing of the S106 legal agreement

- 5.4 HEAD OF REGENERATION, INVESTEMENT AND HOUSING (HOUSING DEVELOPMENT MANAGER): I can confirm that the Housing Department fully supports this scheme. The development forms part of the Vibrant and Viable Places Programme for the redevelopment of areas of the City and the provision of new affordable homes. The provision of 6 one bed and 10 two bed apartments addresses the prevailing housing need in this extremely sustainable location. The properties will be owned and managed by a partner Housing Association and will be neutral tenure, and allocated through the Common Housing Register. The scheme is in receipt of Welsh Government funding through the VVP scheme.
- 5.5 HEAD OF STREETSCENE AND CITY SERVICES (SPORTS AND LEISURE TRUST) No response
- 5.6 CHIEF EDUCATION OFFICER: No response
- 5.7 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY OFFICER): No objection subject to the following 1-A licensed bat worker be appointed to oversee the works and provide the toolbox talk to all staff. Details of this person must be submitted and agreed with NCC Ecology Officer. This person will be required to send regular updates to the NCC Ecology Officer on the progress of the works;
2-Soft stripping of the building will need to take place during the winter months before March 2016 under the supervision of the appointed ecologist. If this is not possible then works will need to be delayed until the following winter;
- 5.8 HEAD OF REGENERATION, INVESTEMENT AND HOUSING (CONSERVATION OFFICER) Thanks for consulting me on this application, which relate to a group of commercial buildings which are listed at grade II. The site is prominently situated within the Town Centre Conservation Area. Gloucester Chambers is listed as "31, 32, 33 High Street, including 2a & 2-4 Skinner Street" as a well-preserved and well detailed commercial block on Newport's main street and said to have group value with Nos 27-30 High Street. The application site also encompasses a part of 27-30 High Street, which is also listed at grade II

The upper floors have been empty for a number of years, and I welcome attempts to find a beneficial long term use in principle. Residential use would seem appropriate, and indeed has previously been consented, but previous applications do not seem to have been based on a thorough assessment of the special character of the building together with an understanding of the requirements of other relevant legislation. This application and the accompanying listed building consent application (15/1277) have been submitted with a detailed heritage statement which analyses the relative significance of different parts of the building. This and pre-application discussions have informed an approach which would aim to retain and restore the most important elements of the building whilst generally confining necessary alterations to less significant spaces, usually at the rear of the building. The only external change which has the potential to impact on the character of the conservation area relates to the principal entrance door. Whilst the insertion of a dry riser inlet is usually unfortunate, it is a necessary part of the conversion and has been specified with an oak panel to match the doors. Given that glazing will be reinstated to the other part of the door along with a more appropriate finish, I consider that there is an overall enhancement. I will comment in more detail on the listed building consent application, but can confirm that I am very happy to support this planning application.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties within 50m of the application site were consulted (properties), a site notice displayed and a press notice published in South Wales Argus. No response received.

7. ASSESSMENT

7.1 This development forms part of the Council's Vibrant and Viable Places (VPP) programme of work. The Council has been successful in securing £14.98M from Welsh Government as part of their VVP program over 3 years. The program focuses on increasing the supply of residential units within the city centre and there is a target of creating 166 new homes within the 3 year period. The broad aim of the Council's VVP bid is to revitalise the City Centre, by creating additional residential units, improving existing living conditions, and to increase training and employment opportunities linked to VVP. In identifying properties within Newport, the main aims of the Welsh Government's VVP programme were used as a check list, these are:

- to revitalise and promote the sustainable development of town centres, making the most of their green infrastructure, heritage and historic character;
- to encourage wider investment in housing;
- to deliver strategic, regionally important projects of significant scale; and
- to tackle poverty by creating jobs, encouraging skills development and helping people into work.

The Council considers that this building fits strategically in all of the above criteria, as it is a prominent, vacant building set within the Newport town centre conservation area, and at the northern point of the city centre.

7.2 Internally the first, second, third and fourth floors of the building will be converted to sixteen flats accessed from the ground level on the Skinner Street elevation. It is intended that the 16 units on the Griffin Island Phase 2 site will be provided as affordable housing. Two buildings are included within phase two, Gloucester Chambers to the south and Permbroke Chambers at 31 High Street. As far as possible all units have been designed to Welsh Assembly Design Quality Requirements (DQR) for refurbished properties, within the limitations of the existing Listed Building. The sixteen flats will be owned and managed by Seren Group as affordable homes provider. The flats comprise of an integral lounge, dining room and kitchen with separate bedrooms and bathrooms.

7.3 In support of the application the applicant has prepared an Historic Buildings Report, Statement of Significance and Heritage Impact Assessment. The applicant has stated that the Grade 2 Listed building in Phase 2 Griffin Island site is a designated heritage asset and therefore any alterations and changes affecting the historic fabric, or changing its character need careful consideration. Therefore there are substantial changes required to alter the building for this different, more intensive use. Furthermore there are substantial challenges

in addressing the aspiration to meet both modern Building Regulations and the demands of Development Quality Requirements (DQR). An approach to the refurbishment of the building has been taken that seeks to minimise the impact of proposals on the historic fabric as far as possible. The Statement of Significance for the building is an important exercise that has identified where key elements of the building and interiors that require protection and retention, but has also shown that there are substantial areas that are of much lower relative significance. The applicant states that the exterior of the building has a much higher specification than the interior. Nothing in the buildings represents a unique or outstanding example of its time. The interior has been heavily altered, partition walls have been removed or altered and decorative features removed. A proportional approach to the building and its relative merits is therefore possible.

- 7.4 As part of the Statement of Significance it is stated that access is off Skinner Street via the original staircase and the refurbishment provides excellent scope to refurbish it. It is identified as a feature of high significance. It has been altered in the past and its refurbishment will be of great benefit to the listed building. Access within each storey has also been an issue. The present series of buildings on the site were not originally designed to function together, and each section once had its own entrance from the ground floor. This is no longer the case and there is a convoluted route to access the remote parts of the Pembroke Chambers section of the building from the present Skinner Street front door. To avoid unacceptable and unsafe travel distances for means of escape, and to ensure the better preservation of some of the principle rooms on the west side of the building, the proposal is to thread a new corridor across the rear of the building. This utilises a number of spaces of very low significance, and provides a more efficient plan that retains the higher significance spaces within single residential units. There are presently four individual staircases within the building, accessing all, or just some, of the floors. The only staircase to connect all floors is the main stair off Skinner Street. 31 High Street has two separate staircases linking different floors, and Pembroke Chambers has a further stair linking first to third floors. Only the latter staircase has been identified as medium significance: the other three being identified as of high heritage significance. With so many staircases, and subsequent duplication of routes and use of space, there has been substantial pressure on how to retain this fabric whilst trying to maximise the viability of the reuse of the buildings. An approach has been adopted that seeks to remove portions of two staircases, but whilst ensuring that the special character of the heritage assets is not compromised. It is proposed to re-use the portions of staircase where possible.
- 7.5 The rooms considered to be of highest significance are identified as those overlooking the principle streets, where it is expected that the original higher-status interiors would have been focused. A small portion of these retain a number of original, or early, features which it is preferred to retain, and which have governed a strategy for organising each flat. Rooms where fireplaces, skirting, and cornice are retained largely unaltered have been categorised as being of highest significance. These spaces have been retained, as far as possible, in their original proportions and appearance. Where modification in these spaces has been unavoidable a clear demarcation between existing and new work has been incorporated; for example where new kitchens have been required these have been formed outside of the room envelope, with new openings through existing walls that retain the sense of compartmentalisation between original and new spaces by limiting the size of new openings.
- 7.6 Rooms identified as medium or low significance have provided the opportunity to insert service spaces (bathrooms, storage circulation etc.) to apartments, where new partition walls will make the least impact. Many of the spaces within Gloucester Chambers have been heavily and aggressively damaged by un-consented works. This has seen the wall finishes, floor, ceilings, and decorative features stripped away from the external walls – presumably in an effort to solve issues of damp. The scale of the damage is considerable, though much of the material lost is assumed not to be of major significance. There is a good sample of rooms with similar, representative features which remain unaltered. The

approach to damaged rooms is to repair wall finishes and floors where possible, but to replace lost decorative details such as cornice and skirting only in the principle rooms of each new flat: bedrooms or living rooms. In subsidiary spaces such as bathrooms, circulation, and store rooms there will be new suspended ceilings installed to cover the damage, and modern skirting and finishes will be introduced. The intention is that all existing fabric and ornamental elements can be reused where possible. As the project develops a clearer picture of where and how features can be retained and recycled. Skirting board, timber and stair balusters are all intended to find new use in the revitalised building where possible.

7.7 Demands for improved modern acoustic, thermal, and fire protection measures are also an issue in the restoration of a heritage asset. As affordable properties the need for this protection between apartments is considered a high priority for a potentially sensitive user group. The approach to providing these improvements has been to try and meet current Building Regulations as far as possible, and exceed them where the option exists. New staircases are proposed throughout to ensure accessibility standards are met. All new party walls will be required to incorporate fire protection and existing walls upgraded too. The proposal throughout the building is to drop suspended ceilings in each room to enhance protection between floors where, in some cases, nothing presently exists at all. Where suspended ceilings are introduced attention has been paid to the existing window head heights, to remove clashing between old and new structures. Where existing coving exists it is proposed that it will be retained throughout and obscured behind the new ceilings unaltered. The exception to this is where complete runs of cornice exist in high significance spaces. In these the ceilings will be exposed and dispensation sought to address the shortfall in Building Regulations Requirements. Because of the relatively low quality of the repeated coving design it is considered proportionate and appropriate to retain only the best examples and not to fully restore broken or missing examples in every room. The overall approach to the building has been to repair and reuse where possible, but there is a clear impact of the proposals on the heritage asset. With a broad overview of the building, its context, and constraints the approach proposed is proportionate to the relative importance of the Listed Building. The reversion of the structure back to residential use will be of great benefit, both in bringing back a sustainable new purpose for Griffin Island, and injecting new life into the Town Centre Conservation Area. The long-term reuse of long-empty upper storeys of this, and other historic commercial properties in the area is a priority for Newport City Council and pioneering redevelopment projects such as this proposal will encourage further commitment to revitalising the City Centre.

7.8 **Conservation Area and Listed Building**

In terms of the impact upon the Conservation Area and Listed Building, policies CE7 and SP9 of the Local Development Plan are relevant. Policy CE7 states that development within or adjacent to conservation areas shall preserve and enhance the character and appearance, avoid the removal of historic features, use traditional materials, reflect architectural qualities of nearby buildings, pay attention to the siting of the building and avoid impact upon significant views. Listed buildings require that the Local Planning Authority has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses as noted under section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The conservation officer has stated that these applications have been submitted with a detailed heritage statement which analyses the relative significance of different parts of the building. This and pre-application discussions have informed an approach which would aim to retain and restore the most important elements of the building whilst confining necessary alterations to less significant spaces, usually at the rear of the building. Whilst the dropped ceilings in these spaces will doubtless have an impact on historic character, as will the rearrangement of partitions, the interior spaces have been extensively altered in the past and as such this impact is relatively minor. There are some areas where the alterations would have a more marked impact, particularly where original staircases are to be removed; whilst unfortunate, these alterations have been discussed at some length and it is considered that they are justified in order to facilitate the conversion.

- 7.9 The only external change which has the potential to impact on the character of the conservation area relates to the principal entrance door. Whilst the insertion of a dry riser inlet is usually unfortunate, it is a necessary part of the conversion and has been specified with an oak panel to match the doors. Given that glazing will be reinstated to the other part of the door along with a more appropriate finish, there is an overall enhancement. Secondary glazing is planned to the front elevations, the proposed detail, which reflects that used on phase I, is considered to be acceptable.
- 7.10 The applicant proposes to install a new corridor within courtyard 2 which will link the rear of the building. The corridor will be replicated on all floors. The design of this is considered to be acceptable and considered that it would maintain the character of the building. Satellite dishes are proposed on the rear roof planes and are again considered to maintain the character of the listed building and conservation area.
- 7.11 **Residential amenity**
In terms of residential amenity Policy H4 (affordable housing) and H8 (conversions) of the Local Development Plan is relevant. Policy H4 requires that onsite affordable housing will be provided within sites of 10 or more dwellings within the settlement boundary. Policy H8 Self Contained Accommodation and Houses in Multiple Occupation within the defined settlement boundaries, proposals to subdivide a property into self contained accommodation, bedsits or a house in multiple occupation will only be permitted as long as it does not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on street parking problems; provides adequate noise insulation and amenity for future occupants. The applicant proposes that all units will be affordable units. Given the location and position of the proposed flats on the upper floors of the building it is not considered that there would be issues of overlooking. Overlooking within the site has been addressed in the considered use of obscured glass where windows in habitable rooms are overlooking each other namely within the bedrooms of plots 10 and plots 9. In these instances there's been a clear-glass opening window also incorporated into these rooms in a location which would not conflict with neighbouring windows. The scheme does not include any provision of amenity space however, it is accepted that city centre locations are unlikely to provide outdoor amenity space. The spacious layout of the proposed flats means that future occupiers would have a reasonable outlook over the main streets and rear of the property. Plots 11 and 12 five, sited within the third floor would have rooms served by roof lights. In both instances, rooms within the flats would have windows which allow views over the street. In order to satisfy Building Regulations the applicant will need to provide adequate sound insulation between all flats, and between the flats and ground floor. As this issue is controlled by other legislation, no further consideration is given on this issue. However, noise associated with external activities is relevant.
- 7.12 The surrounding neighbours comprise retail and financial uses. The wider street scene is a city centre setting with a variety of commercial properties including late night bars, nightclubs, pubs and hot food establishments. It is accepted that future occupiers of the proposed flats may experience more noise and disturbance than more sub-urban housing. This is the nature of city centre living and future occupants would be aware of this before deciding whether to occupy such accommodation. Notwithstanding this it is necessary to limit the degree of noise and disturbance as much as possible. The windows can be addressed through secondary glazing and then having no openable windows on the facades. A mechanical ventilation system would then need to be installed. Sound insulation of the ground floor ceiling should be of a higher standard than approved document E as approved document E is for residential to residential and not residential to commercial. It must be noted that whilst noise mitigation measures will be required, a realistic approach to the measures will have to be taken in light of the fact that the building is listed. A condition to secure these details before development commences is duly attached. Building Regulations would be concerned with sound insulation between the proposed flats and the adjacent properties.

7.13 Highways

No off street parking is proposed as part of the proposal. The property is located within zone 1 (City Core) and is therefore within close proximity of a number of public transport links, services and facilities. The site is located in the very centre of Newport and is approximately 0.4km from the railway station and just 50m from the majority of bus services from the central bus station. The nearest major public car park is just 400m at the old Corn Exchange. There is an exceptional level of services available within the immediate vicinity of the site including banks, grocery shops, theatre, bars and restaurants. The Head of Street Scene and City Services has no objection to the proposal and has stated that the provision of off street parking is therefore not required. The applicant has confirmed that it is the intention to sign up to City Living daily refuse collection. The applicant has also confirmed that there will be storage areas within the flats for secure cycle storage.

7.14 Planning Contributions

The development proposes 16 affordable apartments. S106 planning obligations are normally requested to mitigate the direct impact of development and, thereby, provide sustainable development. Current Council policy (specified in the adopted Planning Obligations SPG 2015) stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations. Whilst this is noted it is necessary to build-in safeguards to ensure that if any of the currently proposed social housing units are sold on the open market, education and leisure contributions would be required. Should the developer decide to sell the properties on the open market there would be a requirement for 30% affordable housing on-site provision (i.e. 5 units) at no more than 50% of ACG.

7.15 Flood risk matters

Natural Resources Wales have offered no objections to the proposal and state that the site lies partially within Zone C1 and Zone B as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). The flood map information, which is updated on a quarterly basis, confirms the site to be partially within the 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, a designated main river.

They state that the development, highly vulnerable development (residential) is proposed on the upper floors and as such is likely to be above any potential flooding levels should a flood event occur at this location. The FCA states:-

- The level at the Skinner Street elevation is above the edge of the flood zone at +8.700m AOD and therefore access and egress will not generally be hindered by any sea or river flooding.

- The site lies on the edge of a Zone C1 area, but the main access and egress to the development lies outside of the C1 area and access and egress is not impeded.

- no flood warning plans /evacuation procedures have been produced However, the FCA does state "a site specific flood plan should be developed post-construction of the project to assist in the management of residual surface water flood risks.

- The FCA also states that "Safe access and egress can be achieved in the event of a 0.1% flood occurrence for residents and for emergency services from the High Street North to the top end of Skinner Street.

They advise that flood depths at the access and egress should be established, as they may exceed the tolerable thresholds.

- 7.15.1 Part of the application site falls within flood zone C1, and is largely within Zone B. As part of the scheme lies within Zone C1 should be subject to a justification test. The applicant states that as the development is confined to the upper floors, it is above any flood level, the test should only apply to the entrance lobby. However, as part of a precautionary approach advocated in TAN 15 it is considered necessary to assess the scheme against the policy criteria in section 6.2 of TAN 15. Section 6.2 of TAN 15 refers specifically to justifying the location of development and that such development should only be permitted within zone C if determined by the planning authority to be justified in that location and demonstrated that:

- v) Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
 - vi) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners to sustain an existing settlement or region;
- and,
- vii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and
 - viii) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 6 and appendix 1 found to be acceptable.

Criterion (i) – Its location in zone C is necessary to assist, or be part of a local authority regeneration initiative or local authority strategy required to sustain an existing settlement.

7.15.2 The proposal forms part of the Council’s Vibrant and Viable Places (VVP) programme of work. The Council has been successful in securing £14.98 million from Welsh Government as part of their VVP programme over the next 3 years. The programme focuses on increasing the supply of residential units within the city centre and there is a target of creating 166 new homes within the 3 year period. The broad aim of the Council’s VVP bid is to revitalise the City Centre, by creating additional residential units, improving existing living conditions, and to increase training and employment opportunities linked to VVP. In identifying properties within Newport, the main aims of the Welsh Government’s VVP programme were used as a check list, these are:

- To revitalise and promote the sustainable development of town centres, making the most of their green infrastructure, heritage and historic character;
- To encourage wider investment in housing;
- To deliver strategic, regionally important projects of significant scale; and
- To tackle poverty by creating jobs, encouraging skills development and helping people into work.

7.15.3 The application site comprises an established residential / city centre area. The proposal forms part of VVP, which is considered to be a local authority regeneration initiative. The proposal therefore satisfies criterion (i).

Criterion (iii) – It concurs with the aims of PPW and meets the definition of previously developed land (PPW figure 2.1)

7.15.4 The application site falls within an established residential /city centre area within the defined urban boundary. The proposal is considered to be compliant with Planning Policy Wales in delivering sustainable development and comprises previously developed land. The proposal therefore satisfies criterion (iii).

Criterion (iv) – The potential consequences of a flooding event for the particular type of development have been considered and in terms of the criteria contained in sections 5 and 6 and appendix 1 found to be acceptable.

7.15.5 This criterion relates to the fact that the potential consequences of a flooding event for the particular type of development have been considered. To satisfy this test there are 10 criteria identified at A1.12 of TAN 15 that have to be satisfied:

1.Flood defences must be shown by the developer to be structurally adequate particularly under extreme overtopping conditions (i.e that flood with a 1 in 1000 chance of occurring in any year).

NRW's Severn Estuary Flood Risk Management Strategy identifies that the existing defences along the River Usk include earth embankments and walls, and that even if the existing defences are maintained at the current height, by 2060 the risk of tidal flooding to most properties would increase to a 1 in 50 chance in any year. The strategy identifies that NRW aim to work with Newport City Council and local businesses to raise and strengthen the defences to keep pace with climate change. Although the strategy identifies there is a need to improve the defences there are no planned improvements. As a result it is considered that this criterion has not been satisfied.

2. The cost of future maintenance for all new/approved flood mitigation measures, including defences must be accepted by the developer and agreed with Natural Resources Wales.

No mitigation is proposed as the development is proposed at the upper floors with access and egress at a lower level.

3.The developer must ensure that future occupiers of the development are aware of the flooding risks and consequences.

The applicant could establish procedures for advising future occupants of the dwellings of the associated flooding risks and consequences. This criterion could therefore be satisfied.

4.Effective flood warning are provided at the site

Planning Officers are aware that tidal flood warnings are in place and all future occupants could sign up to receive these warnings. NRW do not raise any concerns in their response regarding the effectiveness of the flood warnings. The proposal therefore satisfies this criterion.

5.Escape/evacuation routes are shown by the developer to be operational under all conditions

The letter from the Welsh Government to Chief Planning Officers identifies that in providing their expert technical advice, NRW will comment on the acceptability of flooding consequences in terms of the risk to people and property within the development. However, they will not comment on whether access and egress can be achieved to and from the site as this is a matter for the emergency services to determine on a site by site basis depending upon operational capabilities and equipment. The letter also states that the Local Resilience Forum for your area may be able to provide further advice in liaison with Local Authority Emergency Planners.

Paragraph A1.15 of TAN 15 provides guidance on what is considered to be tolerable conditions for both property and access under extreme flood conditions (1 in 1000 year event). The following is a summary of the table:

Type of development	Maximum depth of flooding (mm)	Maximum rate of rise of floodwaters (metres/hr)	Maximum speed of inundation of flood risk area (hrs)	Maximum velocity of floodwaters (metres/sec)
	Property Access			Property Access
Residential (habitable rooms)	600 600	0.1	4	0.15 0.3
General Infrastructure	600 600	0.3	2	0.3 0.3

NRW state that the predicted maximum velocities are 0.29 metres/second in a 1:1000 event 2111- 100 year lifetime of the development at the point of access/egress at which is compliant the guidance of 0.3 metres/second. In respect of depths NRW across the site in the 1 in 1000 year event the depths at the access/egress are 1.32 which exceeds the guidance of 600mm. In respect of the remaining criteria, NRW identify that there is no readily available data for the applicant to use. Further advice was sought from NRW on this matter, and they have identified that the Local Planning Authority should note that Welsh Government have indicated they are in favour of a proportionate level of FCA, reflecting the scale and complexity of the FCA. In light of these comments it was considered that it was unreasonable to request the provision of this data.

The Gwent Local Resilience Forum and the three emergency services are not intending to provide any comments in relation to issues of access and egress and the ability of these services to rescue people in a flood event. Officers consider that it has not been demonstrated that all escape/evacuation routes are operational under all conditions and there are no comments from the emergency services to provide any comfort in this respect. This criterion has therefore not been satisfied.

6.Flood emergency plans and procedures produced by the developer must be in place

The developer has stated that a site specific flood plan would be developed post construction. However, the Local Planning Authority does not have the in-house expertise to assess such plans. The Local Resilience Forum, the police, fire and ambulance service have confirmed that they are not willing to participate in the planning process and comment on the flood risk issues relating to the application. An informative note could be added to any planning permission advising that such a plan should be produced. The developer carries the responsibility of producing such a plan. The LPA is therefore not in a position to advise further.

7.The development is designed by the developer to be flood free, which allows for goods/possessions within these buildings to be stored safely away from floodwaters

The use is for the upper floors which would be likely to flood free due to the height of the floor level. .The proposal therefore satisfies this criterion.

8.Development is designed to minimise structural damage during a flooding event and is flood proofed to enable it to be returned to its prime use quickly in the aftermath of the flood

The use is for the upper floors which would be likely to flood free due to the height of the floor level. .The proposal therefore satisfies this criterion.

9.No flooding elsewhere

NRW has not raised this as an issue within their consultation response. It is therefore assumed that there would not be any increase in flooding elsewhere. The proposal therefore satisfies this criterion.

10. Paragraph A1.14 of TAN 15 identifies that the development should be designed to be flood free for the lifetime (A1.5) of development for either a 1 in 100 chance (fluvial) flood event, or a 1 in 200 chance (tidal) flood event including an allowance for climate change (depending on the type of flood risk present) in accordance with table A1.14.

The lifetime of development for residential is 100 years , it involves the use of the upper floors which would be flood free in the 1 in 200 tidal flood event allowing for climate change over the lifetime of the development. The proposal therefore complies with paragraph A1.14 of TAN 15.

Criterion (vi) In respect of the residual risk to the development it should be designed so that over its lifetime (A1.15) in an extreme (1 in 1000 chance) event there would be less than 600mm of water on access roads and within properties, the velocity of any water flowing across the development would be less than 0.3m/second on access roads and 0.15m/second in properties and the maximum rate of rise of floodwater would not exceed 0.1m/hour.

7.15.6 The maximum velocities are 0.29 metres/second in a 1:1000 event 2111- 100 year lifetime of the development at the point of access/egress at which is compliant the guidance of 0.3 metres/second. In respect of depths NRW across the site in the 1 in 1000 year event the depths at the access/egress are 1,32 based on an elevation level of 9.88 AOD, which exceeds the guidance of 600mm. Within the development the applicant has confirmed that the floor level in the lowest apartment is 12.6m AOD which is much higher than the predicted flood depth. As advised above, following NRW's advice it was considered that it would be unreasonable to request the provision of additional data. The proposal satisfies the criteria in relation to flood depths within property, but does not satisfy the guidance in relation to velocities. The proposal does therefore not fully satisfy this criteria.

7.15.7 In summary, NRW do not offer any objection to the proposal. The analysis of criterion set out in TAN 15 with regard to the acceptability of the management of the consequences of flooding shows that the proposal fails 3 of the 13. However, there are significant regeneration benefits to be derived from this scheme for this part of the city centre. The proposal does not involve the erection of new buildings, it comprises the upper use of floors within an existing building. Whilst it proposes the creation of additional residential units, the upper floors have a mixed lawful use as offices and residential. The building could currently be occupied and in terms of flood risk, the risk to occupants is not dramatically different to that which could lawfully occur. It is acknowledged that the night time use would be more intensive. The upper floors are well above predicted flood depths, but the access / egress is likely to exceed the tolerable threshold. However the flooding is tidal and as such the levels would drop when the tide recedes. It is also more predictable and the flood warnings would be more precise. It is suggested that residents sign up to flood warnings. With flood warnings it is likely that residents would have adequate time to vacate the building in such an event. The emergency services would be likely to have time to enter the building if necessary. In terms of safe access and egress the applicant has stated that it is intended that a site specific flood plan is put in place, the applicant is also advised that they should sign up to the flood warning scheme and that residents be made fully aware of the potential risks to flooding and the method of escape. It is likely that any evacuation route would direct residents out of the site in a westerly direction out of skinner street, and into Commercial Street which is higher land and in flood free zone. It is also within close proximity to the site some 25-50m distance.

7.16 **Other matters**

Gwent Police have no objections to the proposal. The Housing Department fully support this application as it provides ideal city centre living apartments, addressing a clear need identified from the Common Housing Register; and will help to mitigate the impact of welfare reform. The scheme forms part of the City Council's Vibrant & Viable Places scheme in partnership with Welsh Government. This scheme aims to redevelop areas of the City Centre by providing good quality homes and providing further job and training opportunities for local people. A bat survey has been carried out and no evidence of bats has been found therefore both Natural Resources Wales and the Ecology officer has nothing further to add.

8. **OTHER CONSIDERATIONS**

8.1 **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.

8.2 ***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.

8.3 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.

8.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

8.6 ***Planning (Wales) Act 2015 (Welsh language)***

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

9. **CONCLUSION**

9.1 The proposed residential use of the vacant upper floors of this building is welcomed. It is considered that the proposed conversion is sympathetic to the character of the Conservation Area and Listed Building and its residential use will enhance the area as a whole. The proposal complies with adopt policy and it is therefore recommended that the application be granted subject to conditions suggested below and the signing of a Section106 agreement.

10. **RECOMMENDATION**

GRANTED WITH CONDITIONS SUBJECT TO A S106 AGREEMENT WITH DELEGATED POWERS TO REFUSE IN THE EVENT THAT THE AGREEMENT IS NOT SIGNED WITHIN THREE MONTHS OF THIS DECISION

01 The development shall be implemented in accordance with the following plans and documents PL210 Proposed Ground Floor Plan, PL211 Proposed First Floor Plan PL212 Proposed Second Floor Plan, PL213 Proposed Third Floor Plan PL214 Proposed Fourth Floor Plan, PL215 Proposed Ground Floor Fire Strategy Plan, PL216 Proposed First Floor Fire Strategy Plan, PL217 Proposed Second Floor Fire Strategy Plan, PL218 Proposed Third Floor Fire Strategy Plan PL219 Proposed Fourth Floor Fire Strategy Plan, PL220 Proposed Roof Plan PL242 Proposed Street Elevation 1, PL243 Proposed Street Elevation 2 PL244 Proposed Courtyard 1 Elevations, PL245 Proposed Courtyard 1 Elevations PL246 Proposed Courtyard 2 Elevations, PL247 Proposed Courtyard 2 Elevations PL248 Proposed Lightwell Elevations, PL249 Proposed Lightwell Elevations PL250 Proposed Lightwell Elevations, PL251 Proposed Rear Elevations PL252 Existing & Proposed Skinner Street door detail, PL270 Typical Secondary Glazing Details, PL271 Proposed Typical Floor Details, PL282 Proposed Building Sections 1, PL283 Proposed Building Sections 2

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 –occupation conditions

02 Prior to the first occupation of the flats hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external 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 40 dBA Leq 16 hour during the day and 35 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 flat 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.

03 Prior to the first occupation of the flats hereby approved, details of any mechanical and electrical service installations shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: To ensure that the amenities of future occupiers are protected and in the interest of safeguarding the special character of the Listed Building.

04 Prior to the first occupation of the flats hereby approved, details of fire or acoustic separation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: To ensure that the amenities of future occupiers are protected, in the interest of safeguarding the special character of the Listed Building.

05 Prior to work commencing on the alteration to the entrances onto Griffin and High Street sectional detail at a scale of 1:5 details of the entrance ways, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In the interests of safeguarding the special character of the Listed Building

06 Prior to work commencing on the insertion of replacement rooflights, details of the proposed rooflights, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In the interests of safeguarding the special character of the Listed Building

07 Prior to the first beneficial occupation of the flats, full details of the bin stores, including a refuse management scheme, shall be submitted to and approved in writing by the Local Planning Authority and then fully implemented.

Reason: In the interests of the amenities of the area.

08 Prior to the commencement of works to the internal joinery/window door joinery and plaster work, details of all alterations to internal joinery and plasterwork shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In the interests of safeguarding the special character of the Listed Building.

General conditions

09 A licensed bat worker be appointed to oversee the works and provide the toolbox talk to all staff. Details of this person must be submitted and agreed with NCC Ecology Officer. This person will be required to send regular updates to the NCC Ecology Officer on the progress of the works;

Reason: In the interest of protected species.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Design and Access Statement, Heritage statement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP9, SP11, SP17, GP2, GP3, GP4, GP5, GP6, GP7, CE6, CE7, H2, H4, H8, SP1, SP2, SP13 and SP9 were relevant to the determination of this application.

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

03 Soft stripping of the building will need to take place during the winter months before March 2016 under the supervision of the appointed ecologist. If this is not possible then works will need to be delayed until the following winter.

04 The applicant is advised that the application site is within flood zone C1. Signing up to Natural Resource Wales Flood warning Scheme and production of a flood evacuation plan should be considered. You should investigate future flood evacuation plans to safeguard yourself.

05 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

APPLICATION DETAILS

No: 15/1276 Ward: **STOW HILL**

Type: Full (Major)

Expiry Date: 31-DEC-2015

Applicant: **T HARRIS, SEREN GROUP EXCHANGE HOUSE THE OLD POST OFFICE, HIGH STREET, NEWPORT, NP20 1AA**

Site: **Gloucester Chambers, Skinner Street, Newport**

Proposal: **CONVERSION OF LISTED BUILDING TO 16NO. AFFORDABLE HOMES RESIDENTIAL UNITS INCLUDING ALTERATIONS TO GROUND FLOOR FRONTAGE**

1. LATE REPRESENTATIONS

- 1.1 Since the preparation of the officer report the following late representations have been received:
- 1.2 GLAMORGAN GWENT ARCHEAOLOGICAL TRUST: State that 31-33 High Street and 2-4 Skinner Street are Grade II Listed Buildings. The development is located in the Newport Archaeologically Sensitive Area and the Newport Conservation Area. The current proposals will result in minimal changes to the exterior of the buildings, with proposals restricted to the front entrance from Skinner Street. Whilst internal alterations will be more significant, numerous alterations have already occurred and the proposals will return the building back to its residential use. Furthermore, the application is supported by a comprehensive Heritage Building Report (Roberts Limbrick Architects, May 2015) which contains photographs and written descriptions of individual rooms, as well as an historic overview and map regression.

Therefore it is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

- 2.1 Glamorgan Gwent Archeological Trust have offered no archaeological objection to the proposal.

3. OFFICER RECOMMENDATION

- 3.1 Officer recommendation remains that the application should be granted subject to conditions and a S106 Agreement.



Report

Planning Committee

Part 1

Date: 3 February 2016

Item No: 5

Subject Appeal Decisions

Purpose To inform Members of the outcome of recent appeals

Author Development Services Manager

Ward Caerleon, Langstone and Allt-yr-Yn

Summary The following planning appeal decisions are reported to help inform future decisions of Planning Committee

Proposal To accept the appeal decisions as a basis for informing future decisions of the Planning Committee.

Action by Planning Committee

Timetable Not applicable

This report was prepared without consultation because it is to inform Planning Committee of appeal decisions already taken.

Background

The reports contained in this schedule provide information on recent appeal decisions.

The purpose of the attached reports is to inform future decision-making. This will help ensure that future decisions benefit the City and its communities by allowing good quality development in the right locations and resisting inappropriate or poor quality development in the wrong locations.

The applicant has a statutory right of appeal against the refusal of permission in most cases. There is no Third Party right of appeal against a decision.

Work is carried out by existing staff and there are no staffing issues. It is sometimes necessary to employ a Barrister to act on the Council's behalf in defending decisions at planning appeals. This cost is met by existing budgets. Where the Planning Committee refuses an application against Officer advice, Members will be required to assist in defending their decision at appeal.

Where applicable as planning considerations, specific issues relating to sustainability and environmental issues, equalities impact and crime prevention impact of each proposed development are addressed in the relevant report in the attached schedule.

Financial Summary

The cost of defending decisions at appeal is met by existing budgets. Costs can be awarded against the Council at an appeal if the Council has acted unreasonably and/or cannot defend its decisions. Similarly, costs can be awarded in the Council's favour if an appellant has acted unreasonably and/or cannot substantiate their grounds of appeal.

Risks

The key risk relating to appeal decisions relates to awards of costs against the Council.

An appeal can be lodged by the applicant if planning permission is refused, or if planning permission is granted but conditions are imposed, or against the Council's decision to take formal enforcement action. Costs can be awarded against the Council if decisions cannot be defended as reasonable, or if it behaves unreasonably during the appeal process, for example by not submitting required documents within required timescales. Conversely, costs can be awarded in the Council's favour if the appellant cannot defend their argument or behaves unreasonably.

An appeal can also be lodged by the applicant if the application is not determined within the statutory time period. However, with the type of major development being presented to the Planning Committee, which often requires a Section 106 agreement, it is unlikely that the application will be determined within the statutory time period. Appeals against non-determination are rare due to the further delay in receiving an appeal decision: it is generally quicker for applicants to wait for the Planning Authority to determine the application. Costs could only be awarded against the Council if it is found to have acted unreasonably. Determination of an application would only be delayed for good reason, such as resolving an objection or negotiating improvements or Section 106 contributions, and so the risk of a costs award is low.

Mitigation measures to reduce risk are detailed in the table below. The probability of these risks occurring is considered to be low due to the mitigation measures, however the costs

associated with a public inquiry can be very significant. These are infrequent, so the impact is considered to be medium.

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Decisions challenged at appeal and costs awarded against the Council.	M	L	<p>Ensure reasons for refusal can be defended at appeal;</p> <p>Ensure planning conditions imposed meet the tests set out in Circular 11/95;</p> <p>Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.</p> <p>Ensure appeal timetables are adhered to.</p>	<p>Planning Committee</p> <p>Planning Committee</p> <p>Development Services Manager and Senior Legal Officer</p> <p>Planning Officers</p>
Appeal lodged against non-determination, with costs awarded against the Council	M	L	Avoid delaying the determination of applications unreasonably.	Development Services Manager

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

Not applicable. This report is to inform Planning Committee of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Options Available

To accept the appeal decisions as a basis for informing future decisions of the Planning Committee.

Preferred Option and Why

To accept the appeal decisions as a basis for informing future decisions of the Planning Committee.

Comments of Chief Financial Officer

In the normal course of events, there should be no specific financial implications arising from the determination of planning applications or enforcement action.

There is always a risk of a planning decision being challenged at appeal. This is especially the case where the Committee makes a decision contrary to the advice of Planning Officers or where in making its decision, the Committee takes into account matters which are not relevant planning considerations. These costs can be very considerable, especially where the planning application concerned is large or complex or the appeal process is likely to be protracted.

Members of the Planning Committee should be mindful that the costs of defending appeals and any award of costs against the Council following a successful appeal must be met by the taxpayers of Newport.

There is no provision in the Council's budget for such costs and as such, compensating savings in services would be required to offset any such costs that were incurred as a result of a successful appeal.

Comments of Monitoring Officer

There are no legal implications other than those referred to in the report or detailed above.

Staffing Implications: Comments of Head of People and Business Change

Development Management work is undertaken by an in-house team and therefore there are no staffing implications arising from this report. Officer recommendations have been based on adopted planning policy which aligns with the Single Integrated Plan and the Council's Corporate Plan objectives.

Local issues

Not applicable. This report is to inform Planning Committee of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Equalities Impact Assessment and The Equality Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act 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. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that 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.

An Equality Impact Assessment for delivery of the Development Management service has been completed and can be viewed on the Council's website.

Children and Families (Wales) Measure

Not applicable. This report is to inform Planning Committee of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Wellbeing of Future Generations (Wales) Act 2015

Not applicable. This report is to inform Planning Committee of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Planning (Wales) Act 2015 (Welsh Language)

Not applicable. This report is to inform Planning Committee of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Crime and Disorder Act 1998

Not applicable. This report is to inform Planning Committee of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Consultation

Not applicable. This report is to inform Planning Committee of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Background Papers

Not applicable

Dated: 3 February 2016

PLANNING APPLICATION APPEAL – DISMISSED

APPEAL REF: 15/0411
APPEAL TYPE: Written Representations
WARD: Caerleon
SITE: 19 Old Hill Crescent, Christchurch, Newport,
NP18 1JL
SUBJECT: Demolition of existing dwelling to allow
replacement dwelling, new access road and 2
additional dwellings
APPELLANT: Bill Pratt
PLANNING INSPECTOR: Clive Nield
DATE OF COUNCIL'S DECISION: 25th June 2015
OFFICER RECOMMENDATION: Refused
COMMITTEE/DELEGATED: Delegated

DECISION: DISMISSED



SUMMARY

Outline planning permission was sought for the demolition of an existing dwelling and the creation of a new access road, a replacement dwelling and two additional dwellings. The application contained details of the proposed access, layout and scale. Therefore, appearance and landscaping details are reserved for future determination.

The Inspector considered the main issues in the determination of this appeal to be the effect of the proposed development on the character of the area and the natural buffer between the village and Newport City, the adequacy of usable amenity space for future occupants of the proposed dwellings, the adequacy of the proposed access and its effect on highway safety, and the effects on trees.

With regards to the 'Character of Area and Buffer', the Inspector noted that the Council's first reason for refusal was an 'in principle' objection as part of the site lies outside the defined settlement boundary; the proposal would therefore use land designated as countryside, contrary to national and local plan policy. The Inspector noted that the settlement boundary along the rear of the properties does not follow a straight line and steps out to include extended rear gardens for the appeal property and one of its neighbours. The Inspector stated that although the proposed development would be within the settlement boundary, it would be set substantially further back than the existing houses. The Inspector considered that the proposal would be in a prominent position and clearly visible from a wide area of open countryside, thus having a strong urbanising effect on the countryside edge, detrimental to its local character and giving the impression of erosion of the open countryside buffer, between the village and the City of Newport. The Inspector also agreed with the Council's opinion that the scheme would be likely to set a precedent in the area, and the cumulative effect of several such developments would amount to substantial harm to the natural buffer and the character of the area.

The Inspector noted that the scheme would lie within the accepted extended curtilage of the appeal property, however whilst this counts in favour of the proposal, it does not mean that the development would be acceptable or desirable. Furthermore, the scheme would substantially exceed any development likely to be carried out with permitted development rights.

The Inspector therefore concluded that the proposal would be unacceptably harmful to the character of the area and to the natural countryside buffer between the village and the City of Newport. As such, it would be contrary to Local Development Plan SP5 and GP2 and to National Policy to protect the countryside and the character and appearance of the surrounding area.

With regards to the 'Amenity Space' the Inspector noted that the rear two proposed houses would be sited very close to the rear boundary and would provide very little private amenity space for future occupiers. The Inspector acknowledged the appellants view that adequate amenity space could be provided at the front of the houses. However the space would not enjoy much privacy and that an inadequate provision of outdoor space would be provided. The Inspector therefore considered the scheme to conflict with Local Development Plan Policy GP2.

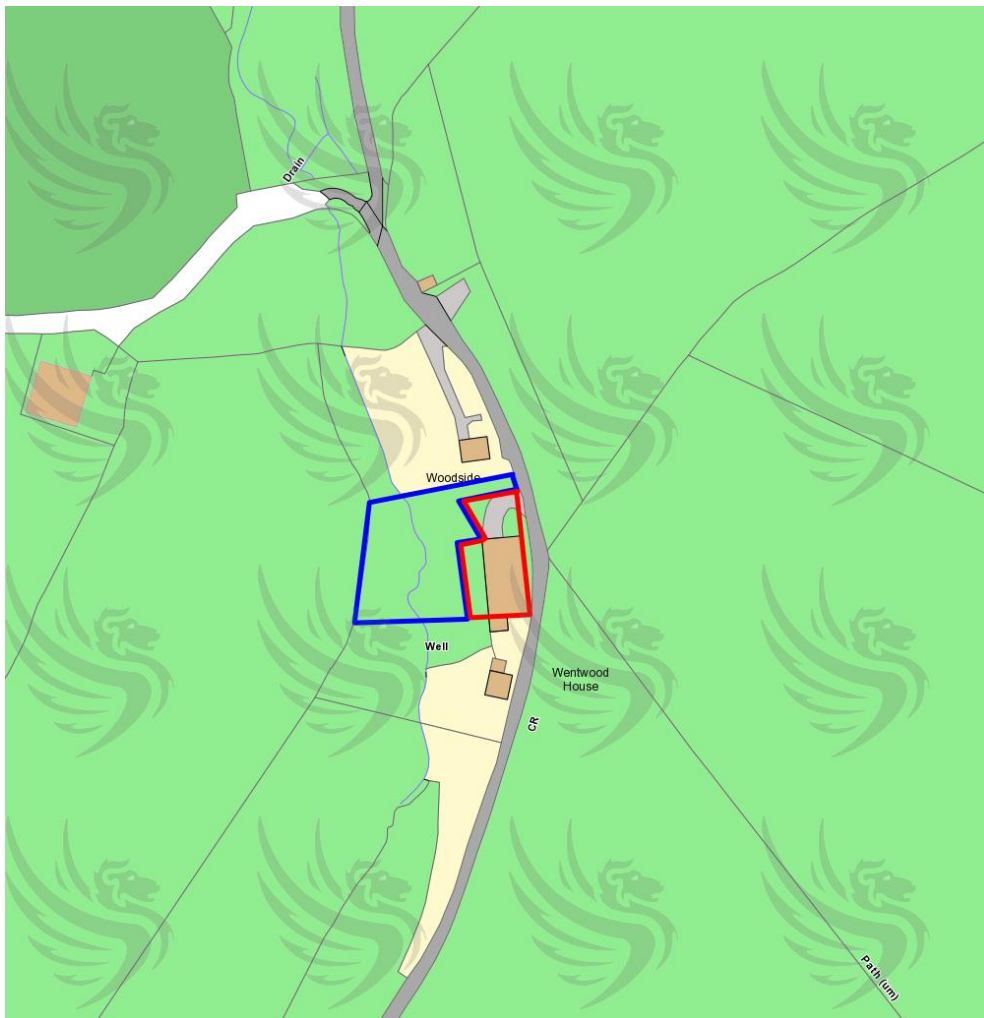
With regards to 'Access and Highway Safety' the Inspector acknowledged that the proposed access was insufficient, however the Inspector considered a condition could overcome this issue. The Inspector also considered that an adequate level of visibility at the junction with Old Hill Crescent would be achieved and that the proposal would not give rise to an increase in off-road parking demand. However, the Inspector did state that the new access would pass close to the side of 21 Old Hill Crescent and would therefore give rise to noise disturbance.

With regards to the effect of the proposal on trees, the Inspector noted from the site inspection that there are no trees of any merit likely to be affected by the scheme. The Inspector was therefore satisfied that no harm would be caused and there would be no conflict with policy.

In view of the above, the Inspector concluded that the proposed scheme would be contrary to Local Development Plan Policies SP5 and GP2 due to the harm it would cause to the character of the fringe of the countryside and the buffer between the village and the city of Newport. The Inspector stated that this 'in principle' objection is sufficient to warrant refusal on its own, however it is further reinforced by the failure to provide adequate private outdoor amenity space. For the reasons stated above, the Inspector concluded that the Appeal should be dismissed.

PLANNING APPLICATION APPEAL – DISMISSED

APPEAL REF: 14/1127
APPEAL TYPE: Hearing
WARD: Langstone
SITE: Site adjacent to Wentwood House, Hendrew Lane, Llandevaud, Newport, NP18 2AB
SUBJECT: Demolition of existing workshop and the erection of a single new dwelling
APPELLANT: Kevin Watkins
PLANNING INSPECTOR: Iwan Lloyd
DATE OF COUNCIL'S DECISION: 27th January 2015
OFFICER RECOMMENDATION: Refused
COMMITTEE/DELEGATED: Delegated



SUMMARY

Outline planning permission was sought for the demolition of the existing workshop and the erection of a single new dwelling; details of access were considered at this stage. All other matters were reserved for future determination.

The appeal site is located on Hendrew Lane, between Woodside and Wentwood House in the open countryside. The site comprises a lawful, however disused joinery workshop. The appellant identifies a fall-back position, in that the re-establishment of the B2 Use would be less desirable than a dwelling in this location.

The Inspector considered the main issue in the determination of the appeal to be whether there are material considerations sufficient to outweigh any conflict with local and national planning policies that seek to strictly control residential development in the open countryside outside settlement boundaries.

The Inspector notes that Local Development Plan (LDP) Policy SP5 would only permit development in the countryside where the use is appropriate, and respects the landscape character, and housing development, rural diversification and rural enterprise uses will only be appropriate where they comply with National Planning Policy. The appellant did not put a case forward to justify any of the above matters. The Inspector therefore considered the proposal contrary with LDP Policy SP5.

The Inspector stated that, the issue of whether the workshop use could be re-established is based on there being a reasonable prospect of the use being taken up. The appellant produced two lease agreements from April 2015 to March 2015, however neither was pursued. At the hearing, the appellants also indicated that the occupier of Wentwood House has expressed an interest in the workshop, however nothing more had arisen on this matter. Also at the Hearing, the Council provided a copy of marketing information describing the guide price as £300K in July 2014. The appellant asserts that the continuation of the workshop use would have resulted in him defending a case against enforcement action. This factor, the appellant claims, is why the building had not been occupied from 2009, until it was conclusively presumed lawful in 2014.

The Inspector acknowledged that the question over the lawful status of the building may have dissuaded potential buyers/tenants to take up the building from 2009-2014, however the issuing of the Lawful Development Certificate in July 2014 resolved that matter. The Inspector considered that the marketing information identified that the intention to continue the lawful use was not a viable option.

The Inspector noted that there would be harm to interests of local residents should the workshop use be re-established. However, other regulatory powers could be utilised to abate a statutory nuisance. On the issue of highway safety, the Inspector stated that Hendrew Lane is unsuitable for the workshop use, however, this does not mean it is unsafe and dangerous. The Inspector noted that there would be disturbance to local residents from vehicles, however was not convinced that this would be worse than when the workshop was actively used. These factors individually and cumulatively do not outweigh the need to protect the countryside from unjustified housing development.

The Inspector noted arguments on sustainability and visual harm and considered them to be neutral impacts having assessed the scale of the existing building and the proposal and the comparison between the traffic generation.

In view of the above, the Inspector concluded that the material considerations are not sufficient to outweigh the identified conflict with local and national planning policies that seek to strictly control residential development in the open countryside outside settlement boundaries. The appeal was therefore dismissed.

PLANNING APPLICATION APPEAL – PART ALLOWED/PART DISMISSED

APPEAL REF:	15/0325
APPEAL TYPE:	Hearing
WARD:	Allt-yr-Yn
SITE:	Northern Hey Stables, Brickyard Lane, Newport
SUBJECT:	Variation of conditions 1, 2 and 4 of planning permission 12/0047 (for the retention of the mixed use of the land for the siting of a mobile home, siting of 5No. touring caravans and the keeping of horses together with the retention of hardstandings, extension to stable block to create a utility/amenity room and the rebuilding of an ancillary building to create an amenity block) to allow for the siting of 9 No. additional touring caravans.
APPELLANT:	C Rogers
PLANNING INSPECTOR:	Melissa Hall
DATE OF COUNCIL'S DECISION:	14 th May 2015
OFFICER RECOMMENDATION:	Refused
COMMITTEE/DELEGATED:	Delegated



SUMMARY

This appeal related to an application to vary conditions 1, 2 and 4 of planning permission 12/0047 (for the retention of the mixed use of the land for the siting of a mobile home, siting of 5No. touring caravans and the keeping of horses together with the retention of

hardstandings, extension to stable block to create a utility/amenity room and the rebuilding of an ancillary building to create an amenity block) to allow for the siting of 9 No. additional touring caravans.

Condition 1 of planning permission 12/0047 relates to the use of the land for the siting of a mobile home and 5 No touring caravans. Condition 2 names the persons who should occupy the site, while condition 4 refers to a block plan and specifies that no caravan other than those shown should be stationed on the land.

The variation of condition application therefore sought to provide an additional 9 touring caravans at the site, which would increase the overall number of touring caravans at the site to 14 and 1 mobile home.

The appeal site is located to the east of J27 of the M4 and to the north of Glasllwch Crescent. The site has a frontage onto Brickyard Lane, which connects the site to Glasllwch Crescent.

The Inspector considered that the main issues related to whether the new occupants were gypsies in accordance with the definition provided in Welsh Government Circular 30/2007, the need for the provision of gypsy/traveller sites in Newport, the availability of alternative sites and the personal circumstances of the occupants, the effect on highway safety and the effect on the character and appearance of the area.

The Inspector assessed the evidence provided for each of the new occupants on the site and found that on the balance of probability it had not been demonstrated that they met the definition of gypsy/traveller in the circular.

The Inspector in her deliberation on the need, availability of alternative sites and the personal circumstances of the proposed occupants found that until the Hartridge Farm Road site is delivered there is a shortage of available gypsy/traveller sites and an unmet need. Given this situation the Inspector confirmed that she had to have regard to the additional family members of the appellant and paragraph 19 of Circular 30/2007 relating to the need to keep family units together and for opportunities for growth within family units. On this basis she found that the retention of three additional caravans for family members is exceptionally justified.

With regards to highway safety, the Inspector agreed with the Council that in relation to the provision of an additional 9 caravans and a total of 29 occupants that regardless of the gypsy status of the new occupants the highway conditions are sufficiently hazardous to resist granting consent for additional families to occupy the site. However, the Inspector had regard to the need for additional family growth and for them to be kept together and that the associated increase in traffic attributed to 3 additional caravans would be modest, and that there would be no conflict with policy GP4 of the LDP.

In respect of the final issue relating to the effect on the character and appearance of the area, the Inspector found that the siting of additional caravans did not have such an additional and harmful effect on the character and appearance of the surrounding area over and above that which is authorised.

In light of the above, the Inspector concluded that the new occupants at the site are not gypsies or travellers for planning purposes, and that they have no overriding personal needs or circumstances that justify their continued occupation of the appeal site on a permanent or temporary basis. However, she concluded that there was a need to accommodate family growth and allowed the provision of 3 additional caravans, which she felt would not have a detrimental impact on highway safety. The appeal was therefore allowed in part. Three

conditions were imposed relating to the use of the land for the siting of a mobile home and 8 No. touring caravans, names of 19 individuals and that no caravan should be sited to the south of the existing amenity block.

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