

Agenda

Planning Committee

Date: Wednesday, 1 June 2016

Time: 10.00 am

Venue: Council Chambers, Civic Centre, Newport

To: Councillors P Huntley (Chair), V Delahaye (Deputy Chair), D Fouweather, M Linton, J Mudd, R White, O Ali, K Critchley, C Evans and R Hutchings

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

Part 1

Item	Wards Affected
1. <u>Agenda Page - Welsh Cym</u> (Pages 3 - 4)	
2. <u>Apologies for Absence</u>	
3. <u>Declarations of Interest</u>	
4. <u>Minutes</u> (Pages 5 - 10)	All Wards
5. <u>Development Management- Planning Application Schedule</u> (Pages 11 - 54)	All Wards
6. <u>Appeals Decisions</u> (Pages 55 - 66)	Allt-yr-yn

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Date of Issue: Tuesday, 24 May 2016

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Agenda

Pwyllgor Cynllunio

Dyddiad: Dydd Mercher, 1 Mehefin, 2016

Amser: 10.00 a.m.

Lleoliad: Siambr y Cyngor, Canolfan Ddinesig

At sylw: Y Cyngorwyr Huntley (Cadeirydd), Delahaye (Dirprwy Gadeirydd), Ali, Critchley, C Evans, Fouweather, Hutchings, Linton, Mudd and White

HYSBYSIAD GWE-DDARLLEDU

Gall y cyfarfod hwn gael ei ffilmio ar gyfer darllediad byw neu ddarllediad wedi hynny trwy wefan y Cyngor.

Ar ddechrau'r cyfarfod, bydd y Maer neu'r Person sy'n Llywyddu yn cadarnhau os yw cyfan neu ran o'r cyfarfod yn cael ei ffilmio. Efallai y bydd y delweddau a recordiad sain yn cael eu defnyddio hefyd at ddibenion hyfforddiant o fewn y Cyngor.

Yn gyffredinol, nid yw'r ardaloedd eistedd cyhoeddus yn cael eu ffilmio. Fodd bynnag, wrth fynd i mewn i'r ystafell gyfarfod a defnyddio'r ardal seddau cyhoeddus, rydych yn rhoi caniatâd i chi gael eich ffilmio a defnydd posibl o rhai delweddau a recordiadau sain ar gyfer gwe-ddarlledu a/neu ddibenion hyfforddiant.

Os oes gennych unrhyw ymholiadau ynghylch hyn, cysylltwch â Phrif Swyddog Gwasanaethau Democrataidd.

DS: Cliciwch ar y ddolen isod i weld y Cod Ymarfer Cynllunio:-

<http://livepreview.newport.gov.uk/documents/Council-and-Democracy/About-the-council/Planning-Code-of-Conduct/Planning-Code-of-Practice-Final-version-27-May-2015.pdf>

Bydd copïau o'r Cod Ymarfer Cynllunio ar gael yn y cyfarfod.

Eitem

Wardiau dan Sylw

- | | | |
|----|---|--|
| 1. | <u>Agenda Cym</u> | |
| 2. | <u>Ymddiheuriadau dros Absenoldeb</u> | |
| 3. | <u>Datganiadau Diddordeb</u> | |
| 4. | <u>Cofnodion y cyfarfod (ydd) diwethaf</u> | Pob Ward |
| 5. | <u>Rheoli Datblygu: Rhaflen Ceisiadau Cynllunio</u> | Pob Ward |
| 6. | <u>Penderfyniadau Apeliadau</u> | Langstone, Victoria, St Julian's, Allt-yr-yn |

Cysylltwch â: Miriam Durkin
 Rhif Ffôn: 01633 656656
 E-bost: miriam.durkin@newport.gov.uk
 Dyddiad Cyhoeddi: 24 Mai, 2016

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Minutes



Planning Committee

Date: 4 May 2016

Time: 10.00 am

Present: Councillors P Huntley (Chair), M Al-Nuaimi, V Delahaye, C Evans, D Fouweather, M Linton, J Mudd, R White, O Ali, K Critchley and R Hutchings

T Brooks (Interim Development Services Manager), J Davidson (East Area Applications Manager), S Williams (West Area Applications Manager), C Jones (Principal Engineer), A Lowe (Planning Contributions Manager), C Edwards (Environmental Health Officer), J Evans (Senior Solicitor) and M Durkin (Democratic Services Officer)

1. Minutes

The Minutes of the meeting held on 6 April, 2016 were submitted.

Resolved

That the Minutes of the meeting held on 6 April, 2016 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. Appeals Decisions

Consideration was given to a report following recent appeals.

Planning Application Appeals – Dismissed

(a) Application 15/1274 – Thorney Croft, Tregarn Road, Langstone – erection of a detached garage

(b) Application 15/1441 – 231 Pilton Vale – two storey side extension (resubmission of 15/0859)

(c) Application 15/0872 – Limekiln Farm, Cwm Lane, Rogerstone – erection of a replacement dwelling

(d) Application 14/0991 – 1 Bryn Bevan, Brynglas – retention of boundary fence to the front of the property

Planning Enforcement Appeal – Dismissed

Application E08/0010 – 14 Hill Street – unauthorised works to a listed building

Resolved

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

Appendix

PLANNING COMMITTEE – 4 MAY, 2016

DECISION SCHEDULE

No	Site/Proposal	Ward	Additional Comments	Decision
15/0762	<p>Phase 1 Glan Llyn Development site, Queensway</p> <p>Retention of pumping station and means of enclosure, associated alterations to the layout of the LEAP and landscaping (Amendment to Planning Permission 11/0146 for Phase 1 housing)</p>	Llanwern Lliswerry	<p>Mr M Wilding spoke objecting to the application.</p> <p>Mr T Gent spoke in support of the application</p> <p>Councillor Kellaway, Llanwern Ward Member spoke objecting to the application.</p> <p><i>(Councillor Ali joined the meeting during consideration of this item and did not take part in the discussion and did not vote)</i></p> <p><i>(The meeting was adjourned for 22 minutes during consideration of this item due to a fire alarm and evacuation of the building)</i></p>	<p><u>Site Inspection</u></p> <p><u>Reason</u></p> <p>To get an appreciation of the size of the site and the impact the development would have.</p>
15/0629	<p>Olympia House, Upper Dock Street</p> <p>Change of use of floors 3 to 8 from office to residential to form 62 No. residential units with associated external alterations including removal of existing external fire escape</p>	Stow Hill	<p>HRIH referred to late representations previously circulated in which the Applicant had agreed to the Heads of Terms as set out in Paragraph 5.3 of the Report.</p> <p>Councillor Al-Nuaimi, Stow Hill Ward Member spoke objecting to the application.</p>	<p>Granted with conditions subject to a legal agreement with delegated powers to refuse in the event that the agreement is not signed within three months of this decision</p>
15/1496	Sea View Bungalow, Broadstreet	Marshfield		Refused

	Common, Peterstone Wentlooge			
	Regularise use of part of land adjoining Sea View Bungalow as a storage area for skips and turning area for vehicles			

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Report

Planning Committee

Part 1

Date: 1 June 2016

Item No:

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 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.

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
Appeal lodged against non-determination, with costs awarded against the	M	L	Avoid delaying the determination of applications unreasonably.	Planning Committee 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?
Council				
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 Equalities 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 8 (January 2016)

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.

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 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

APPLICATION DETAILS

No: 15/1498 **Ward:** LLISWERRY

Type: FULL (MAJOR)

Expiry Date: 07-FEB-2016

Applicant: STARBURST LIMITED

Site: LAND FORMALLY KNOWN AS, FURLONG CARPETS LTD, LEEWAY, LEEWAY INDUSTRIAL ESTATE, NEWPORT, NP19 4SL

Proposal: PROPOSED DEMOLITION OF REDUNDANT OFFICE BUILDING AND ERECTION OF CLASS B1/B2/B8 DEVELOPMENT TOGETHER WITH PARKING AND ASSOCIATED WORKS

Recommendation: Granted with Conditions

1. INTRODUCTION

- 1.1 This application seeks the demolition of a vacant office building and erection of two industrial units and associated works at land formerly known as Furlong Carpets Leeway, Leeway industrial estate.
- 1.2 The site is located in the Lliswerry ward of Newport and is sited within the Settlement Boundary.

2. RELEVANT SITE HISTORY

None.

3. POLICY CONTEXT

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

There are a number of policies relevant to the proposed development, including:

SP1 Sustainability favours proposals which make a positive contribution to sustainable development.

SP3 Flood Risk ensures development is directed away from flood risk areas.

SP9 Conservation of the Natural, Historic and Built Environment protects habitats and species as well as Newport's listed buildings, conservation areas, historic parks and gardens, scheduled ancient monuments, archaeologically sensitive areas and landscape designated as being of outstanding historic interest.

SP18 Urban Regeneration supports development which assists the regeneration of the urban area, particularly the city centre and the reuse of vacant, underused or derelict land.

GP1 General Development Principles – Climate Change states that development should be designed to withstand predicted climate change and reduce the risks and consequences of flooding, minimise energy requirements, reuse/recycle construction material and meet the relevant BREEAM or Code for Sustainable Homes Level.

GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted

which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.

GP3 General Development Principles – Service Infrastructure states that development will only be provided where necessary and appropriate service infrastructure either exists or can be provided. This includes power supplies, water, means of sewage disposal and telecommunications.

GP4 General Development Principles – Highways and Accessibility states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.

GP5 General Development Principles – 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. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.

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

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.

T2 Heavy Commercial Vehicle movements states that developments which generate heavy commercial vehicle movements will be favoured in locations which have access to a railway line, wharf or dock. Where this is not appropriate, locations accessible to strategic and principal routes will be favoured. Elsewhere, such development will be resisted.

T4 Parking states that development will be expected to provide appropriate levels of parking.

T5 Walking and Cycling promotes the creation of a network for walking and cycling, including National Cycle Networks.

Supplementary Planning Guidance

Wildlife and Development adopted August 2015 provides specific direction on how biodiversity should be conserved and enhanced throughout the development control process, whilst drawing on national planning policy, and the policies contained in the Development Plan. Biodiversity must be actively considered by all development proposals.

Parking Standards adopted August 2015 seek to ensure a transparent and consistent approach to the provision of parking, submission of travel plans and sustainability

considerations that will inform developers, designers and builders what is expected of them and from them at an early stage of the development process.

4. CONSULTATIONS

4.1 NATURAL RESOURCES WALES: Do not object to the application as submitted provided an appropriately worded condition is placed on any planning permission your Authority is minded to grant.

4.2 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: Offer no objections to the positive determination of this application.

4.3 DWR CYMRU – WELSH WATER: Request conditions relating to drainage.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): No objection.

5.2 HEAD OF STREETSCENE AND CITY SERVICES (DRAINAGE MANAGER): I have reviewed the submitted documents and there is no design details submitted to demonstrate how surface water will be captured and managed on the development other than the indication on the application form that main sewer will be utilised. The applicant would need to submit drawings showing the layouts and gradients of pipes, locations of gullies, manholes, inspection chambers etc. Details/Drawings of any SUDS, Hydraulic calculations employed in the design of the system should be provided. It should also be clarified if there is an increase in impermeable areas over the existing development of the site.

5.3 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): The layout is acceptable subject to demarcation of spaces and a condition requiring a construction management plan to be submitted for approval to include such details as wheel wash facilities, dust suppression and contractor parking /compound.

5.4 HEAD OF LAW AND REGULATION (POLLUTION): There is potential for contamination to be present in the underlying soils from the historical land use. However, the proposed development will result in limited exposure of soils and the overall risk is considered low. I therefore advise a watching brief is maintained during any site works and the appropriate health and safety regulations are followed.

5.5 HEAD OF LAW AND REGULATION (NOISE): I confirm I have no objection to the proposals however I would recommend that a suitable condition be attached to any permission granted to require the submission of a construction and environmental management plan, for approval prior to commencement of development. The CEMP should detail means of noise and dust mitigation during demolition and construction.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within 50m were consulted (7no properties), a site notice was displayed and press notice published in South Wales Argus. No response received.

7. ASSESSMENT

7.1 As noted above, the site is located within Leeway Industrial Estate and comprises vacant hardstanding. There is an existing single storey office building on the northern part of the site which is to be demolished. The site is surrounded by a mixture of established commercial and industrial uses.

7.2 Along the eastern and southern boundaries the site is bounded by existing commercial/industrial units (Use Class B1, B2 and B8). Along the northern boundary the site fronts onto Lee Way which is the main highway running through the industrial estate. To the west the site fronts onto Broadwater Road.

7.3 The application seeks consent for the demolition of the existing redundant building and the erection of two Class B1/B2/B8 buildings which would be sub-divided to provide seven

smaller units. The smaller building, which would comprise two units, would be located to the north of the site. Vehicular and pedestrian access to this unit would be provided along the north-west of the site via Lee Way Road. This building would measure 30m x 16m x 8m in height. The larger building, which would be sub-divided into five units, would be located to the west of the site. Vehicular and pedestrian access to this building would be provided along the north-east frontage of the site via Broadwater Road. This building would measure 80m x 15m x 8m in height.

- 7.4 Car parking including disabled car parking provision and operational spaces for heavy goods vehicles would be provided within forecourts to the front of each building. A cycle store is also proposed.

7.5 **Design**

The buildings would have a utilitarian design which is considered to be in keeping with the surrounding commercial/industrial uses. Roller shutter doors would be installed in both buildings. The buildings would be clad in metallic silver micro-rib whilst the roofs would be clad in Kingspan Goosewing Grey, with skylights within the roofs.

- 7.6 There are no residential properties in the vicinity and so there would be no impact on residential amenity as a result of the proposals.

7.7 **Economic Benefits**

The Planning Policy Manager has commented that it is recognised that the proposal would result in additional employment development, which shall create a number of jobs. It is proposing a sustainable use of brownfield land and is located within an existing industrial area which itself has relevant infrastructure. However, further information should be provided relating to the economical benefits of the scheme, as identified in TAN 23 which states:

It is important that the planning system recognises the economic aspects of all development and that planning decisions are made in a sustainable way which balance social, environmental and economic considerations. In order to do this the economic value of the scheme should be reported, e.g. the number of jobs created, and the impact on the environment is investigated.

- 7.8 In response to this the applicant states: *The subject site is brownfield and falls within the urban area. It is currently un-used/under-utilised and, as a consequence, it is contributing nothing to the local economy and is failing to realise its full potential. In sharp contrast, the application proposal will, if consented, be developed-out as the required capital investment of £550,000 has been approved by Starburst. Importantly, therefore, deliverability is assured and, as a consequence, Starburst estimate, based on their considerable development experience elsewhere in South Wales, that approximately 30 new employment opportunities will be created at this accessible location within the urban area. The economic and sustainability benefits associated with the application proposal should, in our view, be afforded particular weight in this instance.*

- 7.9 It is considered that the proposals would have significant economic benefits and accord with the aims of TAN23.

7.10 **Highways**

As noted above, car parking provision and operational spaces for heavy goods vehicles would be provided within forecourts to the front of each of the buildings and a cycle store is also proposed. The Head of Streetscene and City Services (Highways) confirms the level and layout of the parking provision to be acceptable and it is not considered that the proposals would result in a detrimental impact to highway safety. Highways officers request conditions requiring parking provision to be demarcated on site and the submission of a Construction Management Plan.

7.11 ***Flooding***

The application 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 (TAN15) (July 2004). Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, which is a designated main river.

7.12 Policy SP3 flood risk states: Newport's coastal and riverside location necessitates that development be directed away from areas where flood risk is identified as a constraint and ensure that the risk of flooding is not increased elsewhere. Development will only be permitted in flood risk areas in accordance with national guidance. Where appropriate a detailed technical assessment will be required to ensure that the development is designed to cope with the threat and consequences of flooding over its lifetime. Sustainable solutions to manage flood risk should be prioritised.

7.13 ***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. 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.

7.14 **Summary of NRW consultation response**

As part of this justification the applicant has submitted a flood consequence assessment (FCA). NRW have reviewed the FCA and offer no objections to the proposals.

7.15 NRW advise that they have reviewed the additional supporting information submitted with the application which states that the proposed finished floor levels of the units will be set to 6.78m AOD. NRW note in the FCA dated November 2015 that the flood levels for the development site are:

- 0.5% (1 in 200 year) plus climate change event: 6.78m AOD
- 0.1% (1 in 1000 year) plus climate change event: 6.94m AOD

7.16 Based on the proposed finished floor levels of 6.78m AOD the seven proposed units are shown to be flood free during the 0.5% (1 in 200 year) plus climate change event over the lifetime of development of 75 years and is therefore compliant with A1.14 of TAN 15. NRW also note that in the 0.1% (1 in 1000 year) plus climate change event that the proposed units are predicted to flood to a depth of 160mm which is within the tolerable limits set out in A1.15 of TAN 15.

7.17 Based on the FCA, it is shown that parking areas have levels between 6.3m – 6.5m AOD. Given the flood depth for the 0.5% (1 in 200 year) plus climate change event these areas are predicted to flood to a maximum depth of 480mm. In addition, during the 0.5% (1 in 200 year) plus climate change event, the hazard rating for these areas could peak at "Danger for most – includes the general public", this is represented in the NRW data request under table 1. The applicant has advised that it is intended that there will be a management plan covering the risk of flooding to the site. This will cover the availability of flood warnings and what to do upon receipt of a flood warning. Clearly if a flood warning is received for this location the advice will be for employees and visitors to leave the site without delay and to follow the designated evacuation route.

7.18 In the context of the proposal, taking account that the new units will be designed to be flood free during the predicted 0.5% plus climate change, NRW do not object. However, the Local Planning Authority should be satisfied that the consequences of flooding can be acceptably managed. If the Authority is minded to approve the application, NRW advise that the developer is made aware of the potential flood risks on site and a condition relating to finished floor levels is secured to the permission ensuring suitable finished floor levels for the units.

7.19 **TAN 15 Tests**

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.

7.20 **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

7.21 Located within the settlement boundary, Officers consider that the development is necessary as part of a local authority strategy required to sustain an existing settlement.

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

PPW defines previously developed land as:

Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage (see note 1 below) of the development is included, as are defence buildings, and land used for mineral extraction and waste disposal (see note 2 below) where provision for restoration has not been made through development management procedures.

7.23 The proposal satisfies this test.

7.24 **Tests 2 to 12 – Consequences of Flooding**

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.

- 7.25 ***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).***

NRW have not objected to the development on the basis of inadequate flood defences.

- 7.26 ***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.***

No flood mitigation measures proposed as part of the development.

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

It is intended to notify the developer of this by way of an informative to the planning consent.

- 7.28 ***Test 5 - Effective flood warnings are provided at the site***

NRW identify that whilst they seek to provide timely and robust warning they cannot guarantee their provision. No objection is offered by NRW on this basis.

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

Details of escape/evacuation routes during a 200 year flood event including sea level rise have been provided by the applicant. The emergency access route is along Lee Way to the Spytty Road/Queensway Roundabout and then along Spytty Road in an easterly direction towards the Coldra. The maximum flood depth would be 0.6m. The maximum rate of rise would be 0.3m/hour. The routes comply with TAN15.

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

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.

- 7.31 A Flood Emergency Management Arrangement document has not been submitted.

- 7.32 The local planning authority does not have the in-house expertise to judge the effectiveness of the emergency plan. 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.

- 7.33 ***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 and 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.***

The proposed buildings have been designed to be flood free. Tests 8 and 9 are therefore satisfied.

- 7.34 ***Test 10 - No flooding elsewhere.***

NRW do not object to the development on this basis.

- 7.35 **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.**

NRW do not object to the development on this basis.

- 7.36 **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 1000mm 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 0.45m/second in properties and the maximum rate of rise of floodwater would not exceed 0.3m/hour (refer to table at paragraph 7.7.41).**

Maximum flood depths would not exceed 600mm. The velocities would be less than 0.3m/second and the maximum rate of rise of floodwaters would be 0.3m/hour.

In summary, when assessing whether the risks and consequences of flooding can be satisfactorily managed, the proposals have been shown to satisfy TAN 15. No objection is raised by NRW subject to a minimum floor level condition. It is considered that the development is acceptable in terms of flood risk.

7.37 **Ecology**

The ecology officer has requested further information due to potential for bats within the existing building to be demolished. The applicant had provided this and subsequently the Ecology officer confirms no objections are offered.

7.38 **Archaeology**

The site is located within an archaeologically sensitive area. Glamorgan Gwent Archaeology Trust have been consulted and advise the previous development of the site, with the construction of the Leeway Industrial Estate, has had a significant impact on the archaeological resource of the area. Therefore it is unlikely that archaeological remains survive in this area and so there is unlikely to be an archaeological restraint to this proposed development. Consequently, no objection is offered to the positive determination of the application.

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.

8.6 ***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.

8.7 ***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 proposals represent the development of a Brownfield site and would provide economic benefits, therefore according with National and Local Planning Policy.

9.2 It is not considered that the proposals would not result in a detrimental impact to the local highways networks, ecological interests or the character of the area.

9.3 The proposals are acceptable in terms of flood risk.

9.4 The application is granted subject to the following conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: 510103/1A, 510103/2A, 510103/3A, 510103/4A.

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 Prior to the commencement of the development hereby approved, full details of a scheme for surface water drainage shall be submitted to and approved by the Local Planning Authority and written approval received. The development shall be carried out fully in accordance with the approved details.

Reason: To ensure the site is adequately drained.

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

- dust suppression measures, having regard to BRE guide 'Control of Dust from construction and demolition activities;
- construction site compound;

- contractor parking and
- wheel washing facilities.

The development shall be carried out in accordance with the approved CMP.
Reason: In the interests of highway safety.

Pre –occupation conditions

04 Prior to the first beneficial use of the buildings hereby approved, the vehicle parking spaces shall be demarcated as per the approved plans and shall remain available for parking in perpetuity.

Reason: To ensure the development is served by adequate parking provision in the interests of highway safety.

General conditions

05 Any unforeseen ground contamination encountered during development, to include demolition, shall be notified to the Local Planning Authority as soon as is practicable. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority, and the approved strategy shall be implemented in full prior to further works on site. Following remediation and prior to the occupation of any building, a Completion/Verification Report, confirming the remediation has been carried out in accordance with the approved details, 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.

06 Finished floor levels for the seven proposed units shall be set no lower than 6.78 metres above Ordnance Datum (AOD) (Newlyn).

Reason: To reduce the risk of flooding to the proposed development and future occupants.

07 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 and the Town & Country Planning Use Classes Order 1987, as amended (or any order revoking and re-enacting those Orders with or without modification) the premises the subject of this permission shall not be used other than for purposes falling within Class B1/B2/B8 of the Use Classes Order without the prior grant of planning permission from the Local Planning Authority.

Reason: To ensure that the use remains compatible with surrounding land uses in the area.

NOTE TO APPLICANT

01 This decision relates to Design and Access Statement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP9, SP18, GP1, GP2, GP3, GP4, GP5, GP6, CE6, T2, T4 and T5 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.

05 NRW advise that consideration be given to the creation of a Flood Evacuation Plan and the incorporation of flood resistance/resilience measures into the design and construction of

the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor, and locating electrical sockets/components at a higher level above possible flood levels. You should be aware, and satisfied, with potential insurance related issues. NRW recommend you consider the future insurability of this development now. Although NRW have no involvement in this matter we advise you to visit the Association of British Insurers website, which may help ensure any properties are as flood proof as possible and insurable. This can be found via <https://www.abi.org.uk/Insurance-and-savings/Topics-and-issues/Flooding>

APPLICATION DETAILS

No: 16/0281 **Ward:** *LANGSTONE*

Type: FULL

Expiry Date: 07-JUN-2016

Applicant: *E JEFFERY, LANGSTONE COMMUNITY COUNCIL*

Site: *LAND TO SOUTH EAST AND ADJACENT TO, LANGSTONE PARK ROUNDABOUT, LANGSTONE, NEWPORT*

Proposal: *CONSTRUCTION OF WAR MEMORIAL APPROXIMATELY 1 METRE HIGH AND FOOTPATH ACCESS*

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks planning permission for the construction of a war memorial with associated footpath access on land south east and adjacent to Langstone Park Roundabout, Chepstow Road in the Langstone Ward.
- 1.2 The section of land on which the war memorial would be located is currently a relatively flat section of unused grassed highway verge. The site adjoins Chepstow Road across the northern boundary and to the south there is a small cul-de-sac road serving residential properties.
- 1.3 The application has been brought to committee as the land is under council control.

2. RELEVANT SITE HISTORY

- 2.1 None.

3. POLICY CONTEXT

- 3.1 The following policies of the Newport Local Development Plan 2011-2026 (adopted January 2015) are relevant to the determination of this planning application.
- 3.2 GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
- 3.3 GP4 General Development Principles – Highways and Accessibility states that development should provide appropriate access for pedestrians, cyclists and public transport in accordance with national guidance, be accessible by choice of means of transport, be designed to avoid or reduce transport severance, noise and air pollution, make adequate provision for car parking and cycle storage, provide suitable access arrangement ensure that development would not be detrimental to highway or pedestrian safety or result in traffic generation exceeding the capacity of the highway network.
- 3.4 GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

4. CONSULTATIONS

4.1 WALES AND WEST UTILITIES: Have pipes in this area, should the application be approved the promotor of these works are required to contact WWU to discuss requirements.

4.2 WELSH WATER/DWR CYMRU: If planning permission is granted the below conditions and advisory notes should be added:

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 3 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.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru/ Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPE): No response.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All common boundary neighbours (9 no. properties) with the application site were consulted and a site notice was displayed on site on 28th April 2016. No objections have been received.

6.2 LANGSTONE COMMUNITY COUNCIL: Support the application

7. ASSESSMENT

7.1 The war memorial would be located fairly centrally, towards the western boundary of the application site and would have pedestrian access from the west and east that would link up with the pavement on Chepstow Road.

7.2 The memorial structure itself would be modest in size and would have approximate dimensions of 1.0 metre in height, 1.8 metres in width and depth of 0.3 metres. There would be a paved area to the front (north) of the memorial structure with street furniture to provide seating for users of the facility. To the rear (south) of the structure, details of landscaping have been proposed including a beech hedge and rowan trees, forming a background to the structure. At present the precise details of the memorial structure, paving area/footpath and vegetation/landscaping has not been submitted, however conditions could be applied to any approval requiring the submission of this information prior to commencement on site.

7.3 It is considered that on Remembrance Sunday this proposal would have the highest volume of visitors to pay respect to family members and friends who have served in a war, however on a day to day basis it is thought there would be no significant traffic increase caused by the proposal as it would generally be used by visitors on foot or pedestrians from the neighbouring residential area. On balance it is considered that this proposal would not raise

any highway safety issues (GP4) and the Head of Streetscene and City Services (Highways) has offered no objection to the application.

- 7.4 Subject to conditions being applied requiring the submission of precise details regarding the appearance of the structure, external materials and landscaping, it is considered that the concept of the proposed war memorial and associated works would be in accordance with policies GP2, GP4 and GP6 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

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.

8.6 *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.

8.7 *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 In principle, the proposed war memorial scheme is acceptable. However, precise details of the design are required to assess the visual impact of the scheme within the surrounding area.

9.2 Planning permission is granted subject to conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Site Location Plan; Concept Plan; Design and Access Statement.

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 work shall be commenced on the construction of the approved scheme until details of the war memorial's design, scale, siting and materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter to be completed as fully agreed.

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

03 Before the development is commenced, written approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating the number, species, heights on planting and positions of all trees and shrubs). The approved scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner.

04 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 3 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

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan; Concept Plan; Concept Section; Design and Access Statement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4 and GP6 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 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

05 Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

APPLICATION DETAILS

No: 16/0374 **Ward:** SHAFTESBURY

Type: FULL

Expiry Date: 13-JUN-2016

Applicant: GARETH DRAPER, NEWPORT CITY COUNCIL

Site: YSGOL GYMRAEG BRO TEYRNON, BRYNGLAS DRIVE, NEWPORT, NP20 5QS

Proposal: PROVISION OF TEMPORARY TWO STOREY MODULAR CLASSROOM BLOCK AND PROVISION OF PERMANENT ADDITIONAL ACCESS AND ON SITE CAR PARKING

Recommendation: Granted with Conditions

1. INTRODUCTION

- 1.1 This application seeks consent for the provision of a temporary two storey modular classroom block and provision of permanent additional on site vehicular access and car parking at Ysgol Gymraeg Bro Teyrnon, Brynglas Drive.
- 1.1 The property is an existing primary school located within sizable grounds in a predominantly residential area. Domestic properties are located along Brynglas Drive to the south-east and Brynglas Close to the north-east. Graig Wood SINC adjoins the north-western and south-western intervening boundaries.
- 1.3 The use of the buildings is proposed until July/August 2018.

2. RELEVANT SITE HISTORY

01/0484	ERECTION OF NEW AUTISM UNIT COMPRISING 2 NO CLASSROOMS & ANCILLARY ROOMS (SINGLE STOREY) ALSO MODIFIED ON-SITE PARKING & SCHOOL ACCESS	GRANTED WITH CONDITIONS
14/0687	SINGLE STOREY EXTENSION TO REAR OF SCHOOL INCORPORATING A NEW CANOPY TOGETHER WITH REPLACEMENT WINDOWS AND NEW FELT ROOF	GRANTED WITH CONDITIONS

3. POLICY CONTEXT

3.1 **National Planning Policy**
Planning Policy Wales (Edition 8, January 2016)

Chapter 4 (Planning for Sustainability)

- So far as possible, local planning authorities should direct development to brownfield land

Chapter 11 (Tourism, Sport and Recreation)

Para 11.1.12 states 'All playing fields whether owned by public, private or voluntary organisations, should be protected from development except where:

- Facilities can best be retained and enhanced through the redevelopment or a small part of the site;
- Alternative provision of equivalent community benefit is made available; or
- There is an excess of such provision in the area.

Paragraph 3.7 states the following:

- Playing fields and green spaces, when not required for their original purposes, may help to meet the need for informal recreational or amenity land in the wider community.
- Only where it can be clearly shown that there is no deficiency should the possibility of their [that is, playing fields and green spaces] uses for alternative development be considered.
- Playing field loss will need to be justified in relation to policies in the LDP, PPW and, where available, be consistent with the findings of the Open Space Assessment.

Planning (Wales) Act 2015

- Section 31 states that the use of the Welsh language may be a material consideration in the determination of an application for planning permission.

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 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 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 WALES AND WEST UTILITIES: Provide details of apparatus within the area.

4.2 DWR CYMRU WELSH WATER: Request conditions relating to drainage.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): No objection.

5.2 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): Whilst a school travel plan will not be required for the proposed temporary use, an access strategy should be provided encouraging sustainable travel over the private car. It must also confirm how pupils will be managed between the bus terminal and preferred parent pick up/drop off location and the school. This can be secured by condition.
The applicant will need to contact Streetscene's Internal Transport Unit for the removal/re-siting of the bus stop to facilitate the car park access.

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

5.4 HEAD OF LAW AND REGULATION (NOISE): No objection.

5.5 HEAD OF STREETSCENE AND CITY SERVICES (LEISURE): The Leisure section would not object to the proposal at this time as the small amount of open space required to provide additional car parking at the school should not prevent the children from making good use of the remaining open space for formal and informal play. However, any further applications to develop more of the remaining would be opposed.

5.6 PLANNING POLICY MANAGER: On the basis that a temporary planning permission is granted for 2 years, there would be no planning policy objection.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (94no properties) and a site notice displayed. One response received objecting to the proposals as there is poor visibility of oncoming vehicles due to the narrow, poorly surfaced bumpy road which is exacerbated by vehicles parking on both sides. There is already a very high volume of traffic due to the access required by residents to Bryn Bevan estate, Brynglas House and existing school. The scheme is dangerous and a different site should be considered.

One response received confirming that whilst they offer no objection in principle, the proposed parking area does not have a means of enclosure. It is imperative that it is secured at night in the same way the rest of the school is or with a barrier to prevent anti-social behaviour.

7. ASSESSMENT

7.1 Newport City Council has a statutory obligation to provide Welsh-medium Secondary School places by September 2016. In advance of the permanent location being available for September 2018, a temporary site is required to allow secondary education in the medium of Welsh to be provided. The Welsh-medium Secondary School known as Ysgol Gyfun Gwent Is Coed will open to pupils in Year 7 in September 2016 with a maximum of 90 pupils. A maximum of 120 additional pupils will attend the school in September 2017.

7.2 Currently pupils within Newport choosing to be educated in the medium of Welsh are unable to continue their education in Newport once they reach Secondary School. Pupils must travel considerable distances to neighbouring authorities if they are to continue with Welsh-medium Education. The full curriculum will not be provided on the proposed temporary site. Subjects such as Physical Education will be provided at another local High School. This option reduces the demand on facilities at Ysgol Gymraeg Bro Teyrnnon.

7.3 The proposed modular buildings would be erected to the west of the site in an area that is currently used as a netball court on the fringe of the adjacent wood. 31no parking spaces

are proposed to the east of the site on what is currently playing fields adjacent to Brynglas Drive. Whilst the modular buildings would be temporary, the proposed parking provision would be permanent and would continue to be utilised in conjunction with the school.

- 7.4 The applicant advises that the two storey modular buildings are yet to be procured and although the exact dimensions cannot be confirmed, details of their appearance has been provided and in terms of dimensions they would be no greater than 5.9m in height, 21m in length and 10m in depth.

7.5 **Principle of Development**

The 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 proposals satisfy policy SP12 of the LDP. The proposals are therefore considered to be acceptable in principle, subject to other material considerations that are discussed below.

7.6 **Planning Policy**

The Planning Policy Manager initially expressed concerns as the applicant is not providing alternative provision for the loss of the concrete netball area where the building is to be sited, or the loss of an area of playing field where the parking provision is to be located. Subsequently, the applicant provided detailed information about existing and proposed site areas. As part of this it was confirmed that Physical Education lessons and sporting fixtures for the Welsh Medium pupils temporarily housed on site at the site will take place at a local High School, so will not require use for this purpose of the existing facilities. It has also been confirmed that both schools will operate different timetables to ensure start of day, break times, lunch times and end of day will be staggered which will mean that the use of play areas will not be over populated.

- 7.7 In response to the information provided, the Planning Policy Manager confirms he is satisfied that the play areas will not be over populated and the deficit in pitches and games courts (hard surface) that will arise once the classroom and carpark are built can be addressed through this action plan and whilst this is not considered an ideal situation, the applicant has stated that this situation will only be in place for a maximum of 2 years. On the basis that a temporary planning permission is granted for 2 years, there would be no planning policy objection.

- 7.8 Whilst the modular buildings would be temporary, the parking provision would be permanent and so the proposals would result in the permanent loss of part of the school's playing fields. However, the parking provision area is comparatively small and the school would still be served by a very large area of playing field. On balance, it is not considered the proposals would result in an unacceptable reduction in play space.

7.9 **Visual Impact**

Due to the siting of the proposed building to the rear of the site, away from neighbouring dwellings and approximately 60m away from the site frontage, it is not considered that it would be visually prominent or incongruous in the street scene.

- 7.10 The proposed parking provision would however be much more prominently located adjacent to the highway in place of what is currently playing fields. The parking area would be sited opposite properties in Brynglas Drive. In order to reduce the visual impact of the new parking area it is recommended that a condition requiring a scheme of landscaping is imposed, should planning permission be forthcoming.

7.11 **Highway Matters**

As noted above a new access and 31 no parking spaces are to be provided within the site. In response to the proposals the Head of Streetscene (Highways) confirms no objection is offered and advises that whilst a school travel plan will not be required for the proposed

temporary use an access strategy should be provided encouraging sustainable travel over the private car. It must also confirm how pupils will be managed between the bus terminal and preferred parent pick up/drop off location and the school. This can be secured by of condition if planning permission is forthcoming.

7.12 **Neighbour Amenity**

The proposed building would be located at least 70 metres away from the nearest residential properties and would not result in a detrimental impact in terms of neighbouring privacy or amenity.

7.13 The introduction of a car parking area to the north-east of the site would undoubtedly result in greater noise and disturbance from the comings and goings of vehicles than the existing use as a playing field. However, there would be a distance of at least 20m between the parking area and this relationship is similar to that of properties towards the south-west and the existing school parking which is considered to be acceptable.

7.14 Representations have been received from a neighbour who is concerned that there is potential for anti-social behaviour as a result of youths parking up in the new car parking area outside of school hours. However, the applicant has confirmed that the new parking area is to be fully fenced and gated. The gates will open into the site and would be locked by the caretaker outside of school hours. The proposed fencing would match the fencing provided at the site when the nursery area was developed in 2015. It would measure approximately 1.8m in height. The proposed fencing is considered to be in keeping the school and it is not considered to result in a detrimental impact to the character of the area.

7.15 **Protected Species**

As noted above, the site lies adjacent to a wooded SINC. The development does not encroach into the SINC, but a number of trees along the border which overhang the boundary of the school are to be cut back. An inspection of nesting birds and bats on the trees highlighted for work. The inspection found that the trees had negligible potential for bats and no nesting birds were observed.

7.16 The Council's Ecology Officer offers no objection to the proposals.

7.17 **Trees**

A Tree Survey has been submitted in support of the planning application which identifies a number of management recommendations that includes pruning and removal of dead wood.

7.18 The Council's Tree Officer has no objection to the proposal.

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.

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

The above duty has been given due consideration in the determination of this application. It is considered that that the proposal would have significant benefits in promoting the use of the Welsh language within the City.

8.7 ***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 facilities would have a number of significant benefits including the promotion of the Welsh language in the City. Despite the loss of part of the existing play areas, due to the way in which it is proposed to operate the two schools during the temporary period there would not be an unacceptable reduction in play space.

9.2 The proposals would not have a detrimental impact on protected species or trees.

9.3 The proposals are considered to be acceptable in terms of neighbouring amenity.

9.4 It is recommended that the application is granted subject to the following conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: NPS-00-00-SU-A-001, 3485 ELEVATION, 3485 CONSTRUCTION, NPS-00-00-SU-A-002, NPS-00-00-SU-A-005, NPS-00-00-SU-A-003, NPS-00-00-SU-A-004, NPS-00-00-SU-A-010, 3485 PLAN, 3485 FOUNDATION, Transport Statement, Tree Inspection. 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 Prior to commencement of development, full details of fencing and gates to be erected around the new parking area shall be submitted to the Local Planning Authority and written approval received. The development shall be carried out fully in accordance with the approved details.

Reason: In the interests of visual and neighbouring amenity.

03 Prior to commencement of development, full details of a highways access strategy shall be submitted to the Local Planning Authority and written approval received. The strategy shall include details of how sustainable travel will be encouraged, confirmation of how

pupils will be managed between the bus terminal and preferred parent pick up/drop off location and the school.

Reason: In the interests of highway amenity and to encourage a sustainable form of development.

04 No development shall commence until full details of landscaping proposals in the area located between Brynglas Drive and the new parking provision area hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details within the first full planting season (October to April inclusive) following the creation of the parking area. Thereafter, the approved landscaping scheme shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management scheme. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established.

Reason: In the interests of visual amenities.

General conditions

05 This permission shall be for a limited period expiring on 31st August 2018, when the modular buildings shall be removed, the use discontinued and the land restored to its former condition, unless prior to that date an application has been submitted to the Local Planning Authority for consideration.

Reason: To enable the Local Planning Authority to review the situation at the end of the temporary period due to the temporary nature of the buildings and due to the shortfall in play space as a result of pupil number increase at the site.

06 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

NOTE TO APPLICANT

01 This decision relates to site location plan.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP12, GP1, GP2, GP3, GP4, GP5, GP6, GP7, CE8, CF1 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.

05 The applicant is advised to contact the Streetscene section of the Council for the removal/re-siting of the bus stop to facilitate the car park access.

APPLICATION DETAILS

No: 16/0237 **Ward:** MARSHFIELD

Type: FULL

Expiry Date: 10-MAY-2016

Applicant: A HASSAN

Site: POST OFFICE, TREDEGAR HOUSE DRIVE, NEWPORT, NP10 8TE

Proposal: PROPOSED EXTENSION TO POST OFFICE/RETAIL UNIT

Recommendation: REFUSED

1. INTRODUCTION

- 1.1 This application seeks permission for the erection of a single storey extension to the south elevation of the existing Post Office within the Tredegar House and Grounds Conservation Area. The building forms one of a group of former agricultural buildings associated with Tredegar House and was built between 1921 and 1936. By virtue of its location within the curtilage of Tredegar House and Tredegar House Home Farm, the property is listed.
- 1.2 This application has been called to Planning Committee on request of Councillor Suller.

2. RELEVANT SITE HISTORY

14/0242	EXTENSION TO FRONT OF SHOP	Refused
06/1407	LISTED BUILDING CONSENT FOR ERECTION OF A SINGLE STOREY EXTENSION TO POST OFFICE AND STORES TO INCLUDE A HOT FOOD TAKEAWAY (USE CLASS A3) AND HAIRDRESSING SALON (USE CLASS A1)	Refused
06/1170	ERECTION OF SINGLE STOREY EXTENSION TO POST OFFICE AND STORES AND TO INCLUDE A HOT FOOD TAKEAWAY (USE CLASS A3) AND HAIRDRESSING SALON (USE CLASS A1)	Refused

3. POLICY CONTEXT

3.1 *Planning Policy Wales (Edition 8, January 2016)*

States that the historic environment should be preserved or enhances, recognising its contribution to economic vitality and culture, civic pride and the quality of life, and its importance as a resource for future generations. With particular regard to the following;

- Ensure that the character of historic buildings is safeguarded from alterations, extensions or demolition that would compromise a building's special architectural and historic interest.
- There should be a general presumption in favour of the preservation of listed buildings.
- The application of development and listed building controls should recognise the need for flexibility where new uses have to be considered to secure a building's survival.
- Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
- Applicants for listed building consent must be able to justify their proposals, show why alteration or demolition of a listed building is desirable or necessary.

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

- SP9 (Conservation of the Natural, Historic and Built Environment) states that the conservation, enhancement and management of recognised sites within the natural, historic and built environment will be sought in all proposals.
- SP12 (Community Facilities) states that the development of new community facilities in sustainable locations will be encouraged and development that affects existing community facilities should be designed to retain or enhance essential facilities.
- GP2 (General Amenity) states that development will be permitted where there is not an adverse impact on residential amenity.
- GP6 (Quality of Design) states that good quality design will be sought in all proposals.
- CE7 (Conservation Areas) states that developments within or adjacent to conservation areas must be designed to preserve or enhance the character and appearance of the conservation areas.
- R8 (Small Scale Retail Proposals) states that proposals increasing local retail facilities will be permitted only where they are appropriate in design and scale and would not threaten the vitality and viability of defined retail centres.

4. **CONSULTATIONS**

4.1 NEWPORT ACCESS GROUP: No comments received.

5. **INTERNAL COUNCIL ADVICE**

5.1 HISTORIC BUILDING AND CONSERVATION OFFICER: Provided the following comments:

- The building is situated within the Tredegar House and Grounds Conservation Area, and is listed by virtue of its location within curtilage of Tredegar House and the Tredegar House Home Farm.
- As a well-proportioned former agricultural building dating from the early 20th century, it has considerable group value with neighbouring listed farm buildings and is a valuable part of the estate. As such, any alterations should respect the agricultural character of the building. Unfortunately, a considerable amount of unauthorised work has already been carried out, principally the relocation of the shop entrance from the rear of the building to the front using inappropriate materials and unsympathetic signage, and losing the symmetry of this elevation in the process.
- Much of the character of the building comes from its simple square form and, more particularly its pyramidal roof, topped by a similarly roofed timber structure providing high level ventilation. Though the proposals have shown some respect for the general form of this and nearby buildings, it is apparent that the original form of the building would be compromised and almost an entire original external wall would be removed; it is unclear why at least significant elements of this wall could not be retained in any scheme.
- Particularly strong justification would be needed if proposals for an extension such as this were to be seriously considered for approval, and I note that previous applications for an extension were refused in 2007 and 2014. A particular concern is that is located on one of the more significant elevations of the building. With this revised application comes a brief statement which attempts to explain that an extension is justified in order for the business to continue to provide an important service to the local community. However, this says nothing about the scale and plan of extension that is considered to be necessary and fails to explain what other forms of extension have been considered and why these options have been dismissed. There is also no information on whether or not there are any other buildings in the immediate vicinity that might offer a solution. At pre-application stage, the applicant was advised to consider some alternatives, notably a replacement of the existing poor quality flat-roofed extension to the north east or building on the site of previously-demolished buildings to the south-east which might be joined by a simple, lightweight link.

- The design statement also seems to suggest that previous alterations are some kind of justification. However, it appears that at least some of these don't benefit from consent. The application proposes retention of the crudely-blocked door and signage to the northwest (incorrectly marked "South") elevation which I do not consider relate well to the original building. It is stated that the "strong symmetry" of the proposed south elevation will be conducive to preserving the character of the original building. However, the extension would actually introduce asymmetry to both the southern elevations when compared to the authorised state of the building, partly due to the location of the entrance and signage.
- As well as the location of the extension, I consider that the proposed elevational treatment lacks merit. The elevations are generally bland, and only broken by an entrance door, a recessed brick panel and signage. The details of the signage and door are unclear, but the signage looks similar to the existing unauthorised illuminated sign which is particularly unsympathetic in materials, detailing and proportion. The recessed brick panel with a non-traditional soldier course of bricks above does little to enliven the new front elevation.
- I also note that the DAS states that "the entrance door to the building will be fitted with a security grille, and the building will be alarmed with CCTV in operation." However, I can find no details of any such fixtures. It is also stated on the application form that there will be works to the interior of the listed building including the stripping out of finishes, but the drawings and supplementary information do not provide clear details of this work or whether it would affect the character of the building.
- In light of the above, I am unable to support these applications; as previous similar applications, I consider that the siting and design of the proposed extension fails to relate sensitively to the original building, adversely affects the character and historic interest of the listed building and fails to preserve the character and appearance of the Conservation Area. Insufficient detail and justification has been provided for the alterations proposed and, in addition, the retention of previous unauthorised works not specifically detailed in the application documents would have a similarly adverse impact.

6. REPRESENTATIONS

- 6.1 PRESS NOTICE (published 02 April 2016): No representations received.
- 6.2 SITE NOTICE (displayed 22 March 2016): No representations received.
- 6.2 COUNCILLORS: Councillors Watkins requested to be kept informed of the application. Councillor Suller requested that the application be reported to Planning Committee.
- 6.3 COEDKERNEW COMMUNITY COUNCIL: No representations received.

7. ASSESSMENT

- 7.1 The proposed extension would be located on the south elevation of the shop and project 4.9 metres from the elevation towards the existing parking area. It would be 10.6 metres wide, set in from each side elevation by 0.6m, and measure 4.4 metres in height to the ridge of the 2no. hipped roofs. The roofs would be set down from the ridge of the main roof. The proposed materials would be a red brick to match the existing and a slate finish to the roof with uPVC rainwater goods. The proposals are largely the same as those refused under application 14/0242.
- 7.2 It is proposed to insert a new timber entrance door to the south elevation of the proposed extension. The current aluminium shopfront, entrance and signage are the result of unauthorised works which took place circa 2004 to relocate the entrance from the north elevation, which was bricked up.

- 7.3 The applicant currently runs a small post office counter from the premises. As part of the process of national rationalization of facilities, the Post Office (PO) wishes to modernise the existing facility, requiring additional floor space. The applicant has stated that they cannot accommodate the new facility within the existing building and without an extension to the existing building, the PO facility would close. The PO has therefore advertised the likely availability of the PO franchise since 17 April 2014 but has failed to attract a suitable applicant.
- 7.4 The principle of an extension to the Post Office is not unacceptable, although it remains unclear to what extent the extension would provide a larger PO facility or retail space. Pre-application discussions have been held with the applicant where a number of solutions were presented to the applicant that would satisfactorily address the reasons from refusal of the previous applications whilst allowing the increase in floor space provided. None of these alternative schemes form part of this application.
- 7.5 Under policy R8, proposals which involve an extension to existing retail provision outside City and District Centres need to be considered on their individual merits. As with any retail proposal, it is important that they are appropriate in scale to serve their purpose as providing for the local community without threatening the vitality and viability of defined retail centres. It is accepted that due to the requirements of the Post Office, an extension is required to allow the facility to continue to operate from these premises. However, the design must not have an unacceptable impact on residential amenity or the character of the area. The proposal represents an upgrading of community facilities which is supported by Policy SP12.
- 7.6 The Council's Historic Building and Conservation Officer has objected to the proposals as whilst they have shown some respect for the general form of this and nearby buildings, it is apparent that the original form of the building would be compromised and almost an entire original external wall would be removed; it is unclear why at least significant elements of this wall could not be retained in any scheme. The elevations are generally bland, and only broken by an entrance door, a recessed brick panel and signage. The details of the signage and door are unclear, but the signage looks similar to the existing unauthorised illuminated sign which is particularly unsympathetic in materials, detailing and proportion. The recessed brick panel with a non-traditional soldier course of bricks above does little to enliven the new front elevation, which is the most significant elevation of the building. No information has been provided in relation to security shutters, alarms or CCTV cameras.
- 7.7 Concerns were also raised regarding insufficient justification for the proposed scheme and fails to explain what other forms of extension have been considered and why these options have been dismissed. There is also no information on whether or not there are any other buildings in the immediate vicinity that might offer a solution. At pre-application stage, the applicant was advised to consider some alternatives, notably a replacement of the existing poor quality flat-roofed extension to the north east or building on the site of previously-demolished buildings to the south-east which might be joined by a simple, lightweight link. Furthermore, the design statement also seems to suggest that previous alterations are some kind of justification. However, it appears that at least some of these don't benefit from consent. The application proposes retention of the crudely-blocked door and signage to the northwest elevation which does not relate well to the original building. It is stated that the "strong symmetry" of the proposed south elevation will be conducive to preserving the character of the original building. However, the extension would actually introduce asymmetry to both the southern elevations when compared to the authorised state of the building, partly due to the location of the entrance and signage

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.

8.6 **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.

8.7 **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 In light of the adverse impact that the proposed extension would have on the character and appearance of the Conservation Area and Listed Building, it is considered that the proposal is unacceptable when assessed against the objectives of Planning Policy Wales and policies SP9, GP2, GP6, CE5 and CE7 of the Newport LDP. The principle of an extension is not unacceptable as defined by policies SP12 and R8, however the design of the proposal would be unacceptably harmful in this location.

10. **RECOMMENDATION**

REFUSED

01 The proposed extension by reason of its siting, design and scale fails to relate sensitively to the original building, adversely affects the character and historic interest of the Listed Building and fails to preserve the character and appearance of the Conservation Area. The proposal is therefore contrary to policies SP9, GP2, GP6, CE7 and R8 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: P 02, P 05, P 07 and P 08.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP9, GP2, GP6, CE7 and R8 were relevant to the determination of this application.

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

APPLICATION DETAILS

No: 16/0237 Ward: **MARSHFIELD**
Type: Full
Expiry Date: 10-MAY-2016
Applicant: **A HASSAN POST OFFICE, TREDEGAR HOUSE DRIVE, NEWPORT, NP10 8TE**
Site: **Post Office, Tredegar House Drive, Newport, NP10 8TE**
Proposal: **PROPOSED EXTENSION TO POST OFFICE/RETAIL UNIT**

1. LATE REPRESENTATIONS

- 1.1 PLANNING POLICY: An increase of retail floor space of 48m² is proposed to accommodate the extended Post Office facility. The existing retail unit is not located within a defined centre therefore Policies SP19 – Assessment of Retail Need and R8 – Small Scale Retail Proposals are of relevance to the determination of this application.

Under the terms of SP19, additional retail provision is required to demonstrate need and satisfy the sequential test if not within a defined centre. The LDP acknowledges however, that the size of the activity proposed will affect how the Council will deal with these requirements. The scale of assessment should be proportionate to the size of the scheme proposed.

When need is a consideration, precedence should be given to quantitative need over qualitative need; however the LPA can determine the weight to be applied to qualitative need. In this instance no quantitative need has been demonstrated, but supporting evidence has been submitted to demonstrate that the proposal is part of a process of national rationalisation of facilities. The Post Office wishes to modernise facilities in the locality, which requires additional floorspace to that currently available. Effort has been made to find alternative premises/businesses to host a larger Post Office service in the area, but with no success. In this instance, given the minor scale of the proposal and the benefits of retaining a Post Office in the locality to the community, it is considered to represent sufficient qualitative need to satisfy Policy SP19.

PPW and the LDP also require a sequential approach to site selection for uses that are best located within defined centres. The application does not provide any information on the potential catchment area of the proposed Post Office. However, given its primary function is to act as a facility for the local community, a focus on centres located on the west of the city, within approximately 1 – 1.5km of the site is considered reasonable.

Cardiff Road Local Centre is the only defined centre within this catchment area and is fully occupied. The proposal therefore satisfies Policy SP19 in this respect.

With regards to Policy R8, small scale retail provision will be permitted where new residential development would be served or the provision would cater for under-provision in the area. Whilst not directly linked to the extension of the Post Office, the redevelopment of the former Panasonic site is creating an additional 250 houses in the locality. The policy also requires proposals to be of an appropriate scale to the locality. An increase of 48m² is considered to meet this requirement. In terms of impact on the viability and vitality of any defined centre, the purpose of the facility is to serve the local community and is unlikely to draw trade from other defined centres. Given the modest size of the extension and the distance between the application site and the nearest Local Centre, the proposal is not considered to have an impact on the vitality and viability of a defined centre. There are not considered to be any issues raised in relation to residential amenity from the site. In this respect, the proposal is considered to satisfy Policy R8.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

- 2.1 The proposal meets the requirements of Policy R8, however this does not overcome the reason for refusal relating to the impact of the proposal on the listed building.

3. OFFICER RECOMMENDATION

- 3.1 REFUSED

APPLICATION DETAILS

No: 16/0238 Ward: MARSHFIELD
Type: LISTED BUILDING
Expiry Date: 10-MAY-2016
Applicant: A HASSAN
Site: POST OFFICE, TREDEGAR HOUSE DRIVE, NEWPORT, NP10 8TE
Proposal: PROPOSED EXTENSION TO POST OFFICE/RETAIL UNIT
Recommendation: REFUSED

1. INTRODUCTION

- 1.1 This application seeks listed building consent for the erection of a single storey extension to the south elevation of the existing Post Office within the Tredegar House and Grounds Conservation Area. The building forms one of a group of former agricultural buildings associated with Tredegar House and was built between 1921 and 1936. By virtue of its location within the curtilage of Tredegar House and Tredegar House Home Farm, the property is listed.
- 1.2 This application has been called to Planning Committee on request of Councillor Suller.

2. RELEVANT SITE HISTORY

14/0242	EXTENSION TO FRONT OF SHOP	Refused
06/1407	LISTED BUILDING CONSENT FOR ERECTION OF A SINGLE STOREY EXTENSION TO POST OFFICE AND STORES TO INCLUDE A HOT FOOD TAKEAWAY (USE CLASS A3) AND HAIRDRESSING SALON (USE CLASS A1)	Refused
06/1170	ERECTION OF SINGLE STOREY EXTENSION TO POST OFFICE AND STORES AND TO INCLUDE A HOT FOOD TAKEAWAY (USE CLASS A3) AND HAIRDRESSING SALON (USE CLASS A1)	Refused

3. POLICY CONTEXT

3.1 *Planning Policy Wales (Edition 8, January 2016)*

States that the historic environment should be preserved or enhanced, recognising its contribution to economic vitality and culture, civic pride and the quality of life, and its importance as a resource for future generations. With particular regard to the following;

- Ensure that the character of historic buildings is safeguarded from alterations, extensions or demolition that would compromise a building's special architectural and historic interest.
- There should be a general presumption in favour of the preservation of listed buildings.
- The application of development and listed building controls should recognise the need for flexibility where new uses have to be considered to secure a building's survival.
- Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

- Applicants for listed building consent must be able to justify their proposals, show why alteration or demolition of a listed building is desirable or necessary.

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

- SP9 (Conservation of the Natural, Historic and Built Environment) states that the conservation, enhancement and management of recognised sites within the natural, historic and built environment will be sought in all proposals.

4. **CONSULTATIONS**

4.1 ANCIENT MONUMENT SOCIETY: No representations received.

4.2 COUNCIL FOR BRITISH ARCHAEOLOGY: No representations received.

4.3 GARDEN HISTORY SOCIETY: No representations received.

4.4 GEORGIAN GROUP: No representations received.

4.5 ROYAL COMMISSION FOR ANCIENT MONUMENTS: No representations received.

4.6 SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS: No representations received.

5. **INTERNAL COUNCIL ADVICE**

5.1 HISTORIC BUILDING AND CONSERVATION OFFICER: Provided the following comments:

- The building is situated within the Tredegar House and Grounds Conservation Area, and is listed by virtue of its location within the curtilage of Tredegar House and the Tredegar House Home Farm.
- As a well-proportioned former agricultural building dating from the early 20th century, it has considerable group value with neighbouring listed farm buildings and is a valuable part of the estate. As such, any alterations should respect the agricultural character of the building. Unfortunately, a considerable amount of unauthorised work has already been carried out, principally the relocation of the shop entrance from the rear of the building to the front using inappropriate materials and unsympathetic signage, and losing the symmetry of this elevation in the process.
- Much of the character of the building comes from its simple square form and, more particularly its pyramidal roof, topped by a similarly roofed timber structure providing high level ventilation. Though the proposals have shown some respect for the general form of this and nearby buildings, it is apparent that the original form of the building would be compromised and almost an entire original external wall would be removed; it is unclear why at least significant elements of this wall could not be retained in any scheme.
- Particularly strong justification would be needed if proposals for an extension such as this were to be seriously considered for approval, and I note that previous applications for an extension were refused in 2007 and 2014. A particular concern is that it is located on one of the more significant elevations of the building. With this revised application comes a brief statement which attempts to explain that an extension is justified in order for the business to continue to provide an important service to the local community. However, this says nothing about the scale and plan of the extension that is considered to be necessary and fails to explain what other forms of extension have been considered and why these options have been dismissed. There is also no information on whether or not there are any other buildings in the immediate vicinity that might offer a solution. At pre-application stage, the applicant was advised to consider some alternatives, notably a replacement of the existing poor quality flat-roofed extension to the north east or building on the site of previously-demolished buildings to the south-east which might be joined by a simple, lightweight link.

- The design statement also seems to suggest that previous alterations are some kind of justification. However, it appears that at least some of these don't benefit from consent. The application proposes retention of the crudely-blocked door and signage to the northwest (incorrectly marked "South") elevation which I do not consider relate well to the original building. It is stated that the "strong symmetry" of the proposed south elevation will be conducive to preserving the character of the original building. However, the extension would actually introduce asymmetry to both the southern elevations when compared to the authorised state of the building, partly due to the location of the entrance and signage.
- As well as the location of the extension, I consider that the proposed elevational treatment lacks merit. The elevations are generally bland, and only broken by an entrance door, a recessed brick panel and signage. The details of the signage and door are unclear, but the signage looks similar to the existing unauthorised illuminated sign which is particularly unsympathetic in materials, detailing and proportion. The recessed brick panel with a non-traditional soldier course of bricks above does little to enliven the new front elevation.
- I also note that the DAS states that "the entrance door to the building will be fitted with a security grille, and the building will be alarmed with CCTV in operation." However, I can find no details of any such fixtures. It is also stated on the application form that there will be works to the interior of the listed building including the stripping out of finishes, but the drawings and supplementary information do not provide clear details of this work or whether it would affect the character of the building.
- In light of the above, I am unable to support these applications; as previous similar applications, I consider that the siting and design of the proposed extension fails to relate sensitively to the original building, adversely affects the character and historic interest of the listed building and fails to preserve the character and appearance of the Conservation Area. Insufficient detail and justification has been provided for the alterations proposed and, in addition, the retention of previous unauthorised works not specifically detailed in the application documents would have a similarly adverse impact.

6. REPRESENTATIONS

- 6.1 PRESS NOTICE (published 02 April 2016): No representations received.
- 6.2 SITE NOTICE (displayed 22 March 2016): No representations received.
- 6.2 COUNCILLORS: Councillor Watkins requested to be kept informed of the application. Councillor Suller requested that the application be reported to Planning Committee.
- 6.3 COEDKERNEW COMMUNITY COUNCIL: No representations received.

7. ASSESSMENT

- 7.1 The proposed extension would be located on the south elevation of the shop and project 4.9 metres from the elevation towards the existing parking area. It would be 10.6 metres wide, set in from each side elevation by 0.6m, and measure 4.4 metres in height to the ridge of the 2no. hipped roofs. The roofs would be set down from the ridge of the main roof. The proposed materials would be a red brick to match the existing and a slate finish to the roof with uPVC rainwater goods. The proposals are largely the same as those refused under application 14/0242.
- 7.2 It is proposed to insert a new timber entrance door to the south elevation of the proposed extension. The current aluminium shopfront, entrance and signage are the result of unauthorised works which took place circa 2004 to relocate the entrance from the north elevation, which was bricked up.

- 7.3 The applicant currently runs a small post office counter from the premises. As part of the process of national rationalization of facilities, the Post Office (PO) wishes to modernise the existing facility, requiring additional floor space. The applicant has stated that they cannot accommodate the new facility within the existing building and without an extension to the existing building, the PO facility would close. The PO has therefore advertised the likely availability of the PO franchise since 17 April 2014 but has failed to attract a suitable applicant.
- 7.4 The principle of an extension to the Post Office is not unacceptable, although it remains unclear to what extent the extension would provide a larger PO facility or retail space. Pre-application discussions have been held with the applicant where a number of solutions were presented to the applicant that would satisfactorily address the reasons for refusal of the previous applications whilst allowing the increase in floor space provided. None of these alternative schemes form part of this application.
- 7.5 The Council's Historic Building and Conservation Officer has objected to the proposals as whilst they have shown some respect for the general form of this and nearby buildings, it is apparent that the original form of the building would be compromised and almost an entire original external wall would be removed; it is unclear why at least significant elements of this wall could not be retained in any scheme. The elevations are generally bland, and only broken by an entrance door, a recessed brick panel and signage. The details of the signage and door are unclear, but the signage looks similar to the existing unauthorised illuminated sign which is particularly unsympathetic in materials, detailing and proportion. The recessed brick panel with a non-traditional soldier course of bricks above does little to enliven the new front elevation, which is the most significant elevation of the building. No information has been provided in relation to security shutters, alarms or CCTV cameras.
- 7.6 Concerns were also raised regarding insufficient justification for the proposed scheme and fails to explain what other forms of extension have been considered and why these options have been dismissed. There is also no information on whether or not there are any other buildings in the immediate vicinity that might offer a solution. At pre-application stage, the applicant was advised to consider some alternatives, notably a replacement of the existing poor quality flat-roofed extension to the north east or building on the site of previously-demolished buildings to the south-east which might be joined by a simple, lightweight link. Furthermore, the design statement also seems to suggest that previous alterations are some kind of justification. However, it appears that at least some of these don't benefit from consent. The application proposes retention of the crudely-blocked door and signage to the northwest elevation which does not relate well to the original building. It is stated that the "strong symmetry" of the proposed south elevation will be conducive to preserving the character of the original building. However, the extension would actually introduce asymmetry to both the southern elevations when compared to the authorised state of the building, partly due to the location of the entrance and signage

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.

8.6 **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.

8.7 **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 In light of the adverse impact that the proposed extension would have on the character and appearance of the Listed Building, it is considered that the proposal is unacceptable when assessed against the objectives of Planning Policy Wales and policy SP9 of the Newport LDP.

10. **RECOMMENDATION**

REFUSED

01 The proposed extension by reason of its siting, design and scale fails to relate sensitively to the original building, adversely affecting the character and historic interest of the Listed Building and fails to preserve the character and appearance of the Conservation Area. The proposal is therefore contrary to policy SP9 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: P 02, P 05, P 07 and P 08.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policy SP9 was relevant to the determination of this application.

03 Section 16(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 was relevant to the determination of this application.

BEVERLY OWEN
HEAD OF REGENERATION, INVESTMENT AND HOUSING

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Report

Planning Committee

Part 1

Date: 1 June 2016

Item No: 6

Subject **Appeal Decisions**

Purpose To inform Members of the outcome of recent appeals

Author Head of Regeneration, Investment and Housing

Ward St Julian's, Victoria, Langstone, 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 016/2014.</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 Equalities 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.

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

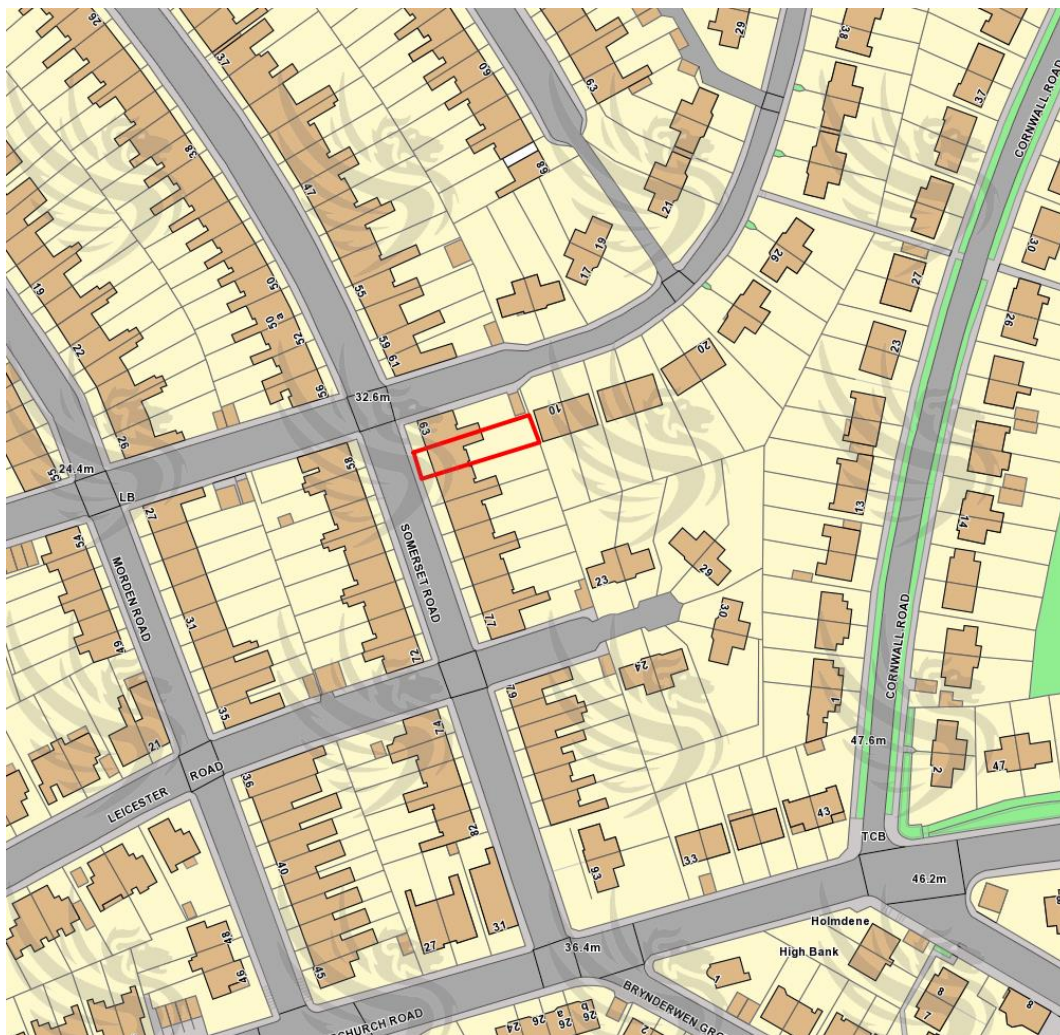
Dated: 1 June 2016

PLANNING APPLICATION APPEAL – DISMISSED

APPEAL REF: E13/0379 & 15/1008
APPEAL TYPE: Written Representations
WARD: St Julians
SITE: 65 Somerset Road
SUBJECT: Change of use from C3 residential to C2 children’s care home

APPELLANT: Greenfields Care Group Ltd
PLANNING INSPECTOR: Clive Nield
DATE OF COUNCIL’S DECISION: 8th October 2015
OFFICER RECOMMENDATION: Refused
COMMITTEE/DELEGATED: Delegated

DECISION: E13/0379 – ALLOWED (Enforcement Notice Varied)
DECISION: 15/1008 - DISMISSED



SUMMARY

The property has been used to care for children/young adults, generally one to two at any one time since 2008. A retrospective application was received which sought to regularise the use of the dwellinghouse as a children’s care home. The Application was refused and an Enforcement Notice was issued requiring the continued use of the dwellinghouse as a children’s care home to cease.

The appellants appealed the refusal of planning permission and the Enforcement Notice on the following grounds:

- A – Planning permission should be granted;
- C – That there has been no breach of planning control; and
- G – The time to comply with the Notice is too short.

Firstly the Inspector discussed the matters related to ground c. The appellant argued that there had not been a material change of use and the use still fell within Class C3(b) defined as a 'Use as a dwellinghouse by not more than 6 residents living together as a single household (including a household where care is provided for residents).

The inspector notes that the outward appearance of the property gives no indication that it is used for child care purpose; the interior also has the appearance and character of a dwellinghouse. It was stated by the appellant that all parties took part in daily household activities, which the Inspector had no reason to doubt.

In determining whether the use of the premises fell within Class C2 (Residential Institutions) or Class C3(b), the Inspector considered the legal precedents submitted by each party. The Inspector was minded to agree that the carers are not resident to the appeal premises, even though they spend considerable amounts of time there. For this reason, the Inspector concluded that the occupants did not amount to a single household, and so the use did not fall within Class C3(b). The Inspector then went onto discuss whether the change of use is material. The Inspector noted that it is an established principle in law that fear of crime can be a material consideration in planning; however that fear has to be objectively justified rather than just perceived. Crime statistics were provided by the appellant to identify that police visits to the premises were not a result of activities relating to the children themselves. However, a number of local residents provided detailed information on numerous incidents relating to the behaviour of the children. The appellant argued that such behaviour could also take place if the house was occupied by a family, which the Inspector considered true. However the Inspector stated that it is not unreasonable to consider such issues more likely to occur if the house is used as a care home for vulnerable children. The Inspector therefore concluded that there has been a material change of use and the appeal under ground (c) should be unsuccessful.

Secondly, the Inspector considered the appeal under ground (a) and noted that the planning application was refused on two grounds, one being the impact on the character of the area and the increased fear of crime and anti-social behaviour and two, the effect on demand for on-street parking and associated effects on highways safety. The Enforcement Notice was issued for the same issues. In respect of the first issue, the Inspector noted that it has been previously concluded that the children's care home gives rise to a reasonable fear of crime and anti-social behaviour. Taking this into account, the Inspector concluded that the fear is well justified and is harmful to the character of the area and contrary to Policy GP2 of the Local Development Plan, due to its effect on local amenity.

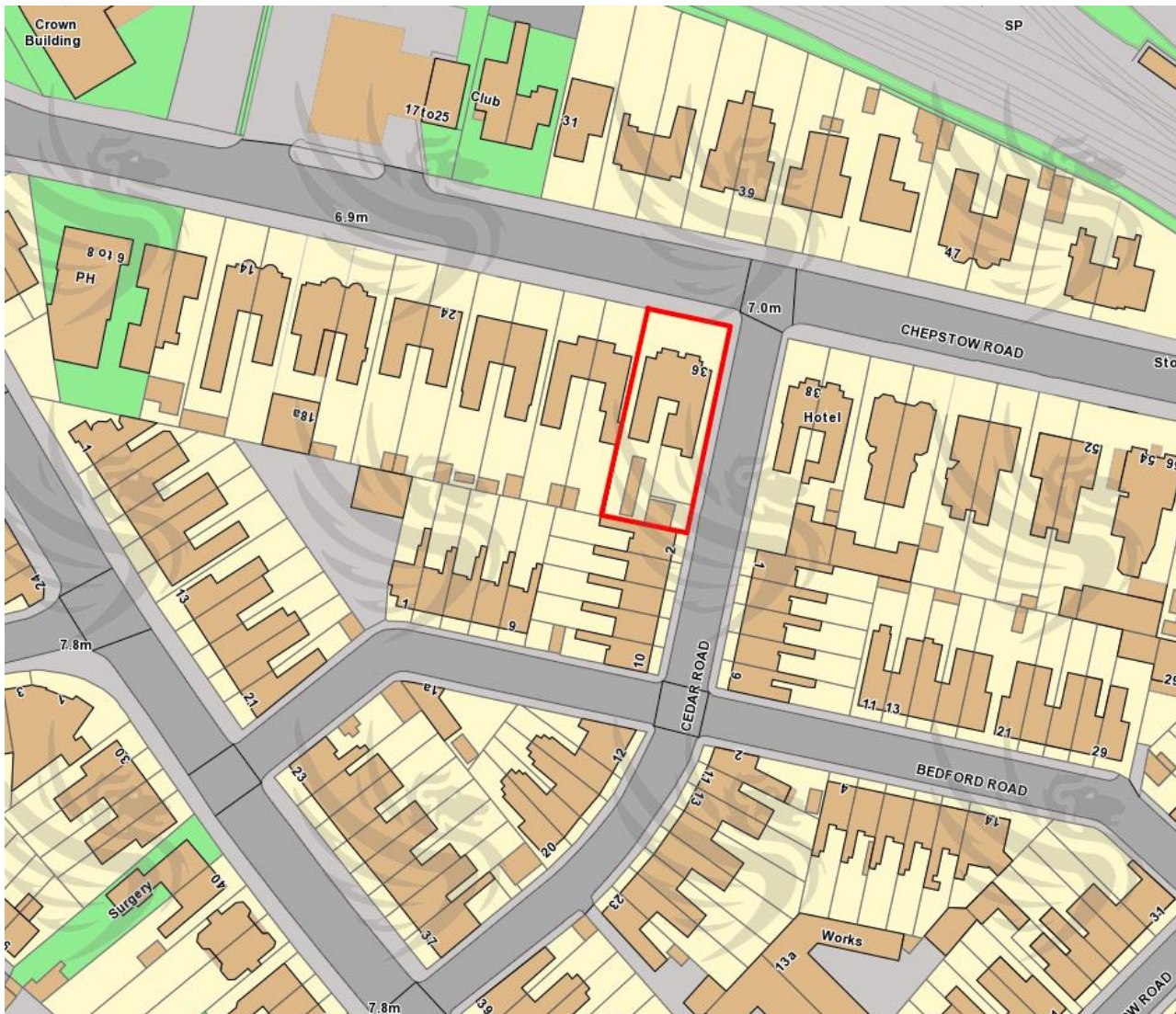
In respect of the second issue, the Inspector did not concur with the Councils view that the use would increase on-street parking pressure significantly more than should it be used as a dwellinghouse. Instead the Inspector took the view that, given the scale of the use, the parking demand generated would not be significantly different from that generated by a 4-5 bedroom dwelling. The Inspector therefore concluded that the Enforcement Notice should be upheld and the deemed application should not succeed.

The Inspector finally considered the appeal under ground (g). The Enforcement Notice specified a compliance period of 6 months, the appellant requested 18 months for alternative accommodation to be found for the children currently residing at the property. The Inspector was mindful of the vulnerability of the children and therefore considered 6 months too short and 18 months excessive. The Inspector instead considered 12 months an adequate timeframe for the use to cease; and the appeal succeeded under this ground.

PLANNING APPLICATION APPEAL – DISMISSED

APPEAL REF: E14/0573
APPEAL TYPE: Written Representations
WARD: Victoria
SITE: Land at 34-36 Chepstow Road, Newport, NP19 8EA
SUBJECT: Change of use to hand car wash
APPELLANT: Ghulam Fareed Akhtar
PLANNING INSPECTOR: Clive Nield
DATE OF COUNCIL'S DECISION: 2nd November 2015
OFFICER RECOMMENDATION: Issue Enforcement Notice
COMMITTEE/DELEGATED: Delegated

DECISION: ALLOWED



A hand car wash operates from the rear courtyard of the 34-36 Chepstow Road. The courtyard is accessed from Cedar Road, which is primarily a residential road. An Enforcement Notice was issued requiring the cessation of the hand car wash and the removal of associated equipment.

The Inspector considered the main issue in the determination of the appeal to be the effect of the car wash operations on the amenity of neighbouring residents due to noise and disturbance. The Inspector identified that the rear courtyard is not used for any associated car parking purposes and so offers an opportunity for an alternative purpose.

The courtyard is enclosed on all sides by high walls and fences and to the south by the gable end of No. 2 Cedar Road. The Inspector noted the type of equipment used to clean cars and considered them relatively quiet pieces of equipment. The Inspector noted that the general traffic levels give rise to a noticeable level of background noise and disturbance and concluded it unlikely that the car wash operations would cause noise and disturbance of a level to significantly affect neighbouring residents.

A recent appeal decision in connection with similar operations at the junction of Chepstow Road and Ringland Avenue was brought to the Inspector's attention. The decision demonstrated that the operations would disturb nearby residents. However, the Inspector did not consider the circumstances comparable to the current appeal.

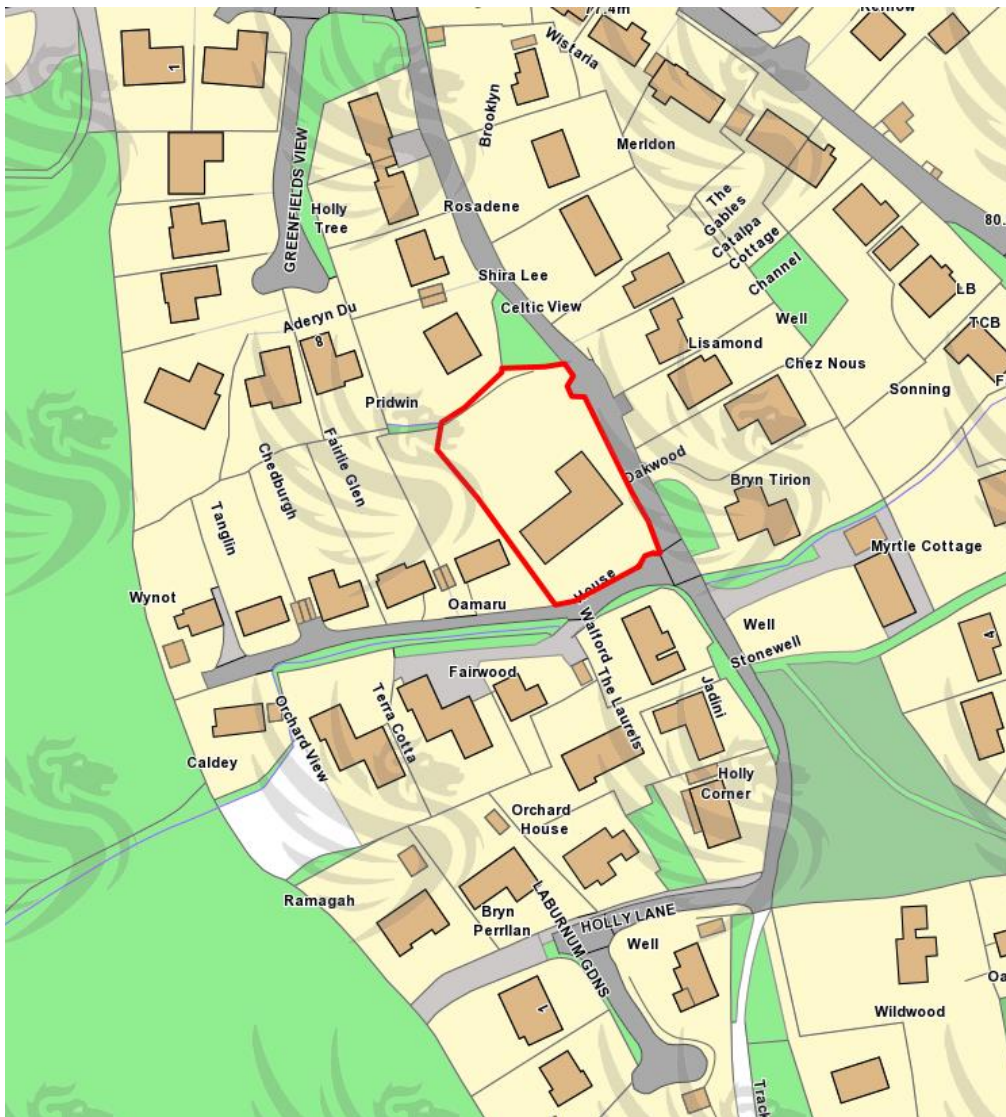
In view of the above, the Inspector considered that nothing outweighs the considerations that the car wash use is unlikely to cause significant harm to neighbouring amenity, or conflict with Policy GP2 (General Amenity) of the Local Development Plan. The appeal has therefore succeeded on ground a, with a condition limiting operation hours between 08:30 to 18:00 Mondays to Saturdays and not at all on Sundays and Bank Holidays.

PLANNING APPLICATION APPEAL – DISMISSED

APPEAL REF: 15/0953
APPEAL TYPE: Hearing
WARD: Langstone
SITE: High View House, Lower Road, Llandevaud, NP18 2AE
SUBJECT: Construction of a land drainage system and the retention of existing ground levels

APPELLANT: M Evans
PLANNING INSPECTOR: M Hall
DATE OF COUNCIL'S DECISION: 15 October 2015
OFFICER RECOMMENDATION: Refused
COMMITTEE/DELEGATED: Delegated

DECISION: DISMISSED



This appeal relates to works which have been undertaken in the rear garden of High View House, comprising the 'construction of a land drainage system and the retention of existing ground levels, as an alternative to the works required by Enforcement Notice E13/0543'.

The Inspector initially made reference to a previous appeal decision concerning the aforementioned Enforcement Notice. It was noted in the decision that the works comprising the raising of ground levels,

including the filling in of a watercourse along the boundary, had a detrimental impact on the surface water drainage at the site, thus contributing to the flooding events at the neighbouring property (Pridwin).

In the determination of this appeal, the Inspector considered the main issue to be the effect of the development on surface water drainage with particular regard to flooding within the neighbouring property.

The Inspector firstly assessed the evidence provided by all parties with regards to the original land levels and drainage scheme. The appellant disputed that the watercourse previously lay within the appeal site in the manner suggested by the Council and other parties or that the alterations to the ground levels affect the drainage regime to the extent that it results in flooding of the neighbouring property. The appellant and a third party provided contradictory OS Plans outlining the location of the water course. The Inspector noted that it is possible that either the line of the drainage ditch or the property boundaries have been altered after the OS survey. The Inspector noted that it was evident from the site visit that both sides of the common boundary appear to have been altered at some point along its length. The appellant therefore asserts that the flooding in the neighbouring property may be as a result of the alterations to the altered ground levels within the boundary of Pridwin. The Inspector considered that given the contradictory evidence, no firm conclusion could be reached with regards to the previous drainage regime and the extent of excavation works which have been undertaken.

The Inspector noted that measures had been put in place by the appellant to deal with surface water run-off from the highway and third party land which crosses the appeal site. The appellant stated that a pipe connecting a highway gully which extended into the appeal site was broken and has been replaced. At the site visit, the inspector observed a pipe which crosses the appeal site and terminates in the garden of Pridwin had silted up and there was a clear indication of water flowing from the appeal site into the garden of Pridwin from a breach under the boundary fence. The Inspector therefore had no doubt that run-off from the appeal site is resulting in excess water pooling in the garden of the neighbouring property.

The proposal also included an open top French drain, however there was some uncertainty as to its exact position as the drain has been covered with earth and there was conflicting locations given for it's by the appellant and a third party member. The Inspector therefore had insufficient information to assess its effectiveness.

The appellant also submitted calculations of surface water storage capacity carried out by a structural engineer, who concluded that the scheme is adequate to deal with the surface water disposal. However, limited technical evidence was provided to support this claim.

In view of the above, the Inspector was not convinced that the drainage scheme reduces the risk of flooding in the garden of Pridwin or that the risks are being managed. The Inspector therefore concluded that the drainage system to be unacceptable and contrary to Policies GP1, GP2 and GP6 of the Newport Local Development Plan and the appeal was dismissed.

PLANNING APPLICATION APPEAL – ALLOWED

APPEAL REF: 15/1342
APPEAL TYPE: Written Representations
WARD: Allt-Yr-Yn
SITE: Linda Vista, 2 Glasllwch Crescent, Newport, NP20 3SE
SUBJECT: Repositioning of glass balustrade to master bedroom (amendment to planning permission 11/0948)
APPELLANT: L Bigmore
PLANNING INSPECTOR: Paul Selby
DATE OF COUNCIL'S DECISION: 6th January 2016
OFFICER RECOMMENDATION: Granted with Conditions
COMMITTEE/DELEGATED: Committee

DECISION: ALLOWED



SUMMARY

An application was submitted to amend the location of the balustrade for a balcony approved under the original application for the property. The relocation of the balustrade would result in it being set back by

0.2 metres from the edge of the balcony recess, rather than 0.6 metres as agreed under the original application. The application was refused by Planning Committee due to concerns relating to loss of privacy at the neighbouring property of Orchard House.

The Inspector considered that the balcony is recessed behind the rear elevation of the house, preventing direct views to windows in the side elevation of Orchard House, but the position of the balustrade would allow direct views from the balcony into the neighbouring conservatory. The balcony is, however, some 23 metres from the conservatory, which is sufficient to avoid a significant level of perceived or actual overlooking. Furthermore, views into the conservatory would be at an oblique angle and possible only in close proximity to the edge of the balcony.

The rear elevation of Linda Vista is around 11 metres from the property boundary with Orchard House and some overlooking into the neighbouring garden is already possible from the balcony. The effect of the proposal would have a limited impact on the sightlines achieved from the balcony into the garden of Orchard House.

The Inspector concluded that the proposal would not significantly harm the living conditions of neighbouring occupiers with regard to privacy and overlooking.