

Agenda

Planning Committee

Date: Wednesday, 3 August 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, R Hutchings and M Al-Nuami

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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 - 124)	

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Date of Issue: Wednesday, 27 July 2016

6. Planning Committee Code of Practice - Suggested Updates (Pages 125 - 140) All Wards

NB: Would Members please ensure no printed copies of the agenda are left in the room at the conclusion of the meeting. Leaving paper copies of reports where they can be accessed by unauthorised persons could present a data breach



Agenda

Pwyllgor Cynllunio

Dyddiad: Dydd Mercher, 3 Awst, 2016

Amser: 10.00 a.m.

Lleoliad: Siambr y Cyngor, Canolfan Ddinesig

At sylw: Y Cynghorwyr Huntley (Cadeirydd), Delahaye (Dirprwy Gadeirydd), Ali, Al-Nuaimi, 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>Y Cod Ymarfer Cynllunio</u>	Pob Ward

Cysylltwch â: Miriam Durkin
Rhif Ffôn: 01633 656656
E-bost: miriam.durkin@newport.gov.uk
Dyddiad Cyhoeddi: 27 Gorffennaf, 2016

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Minutes



Planning Committee

Date: 6 July 2016

Time: 10.00 am

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

In Attendance: T Brooks (Interim Development Services Manager), S Williams (West Area Applications Manager), J Davidson (East Area Applications Manager), J Evans (Senior Solicitor) and R Jefferies (Chief Democratic Services Officer)

Apologies: Councillors R Hutchings and J Mudd

1. Minutes

The Minutes of the meeting held on 1 June, 2016 were submitted.

Resolved

That the Minutes of the meeting held on 1 June, 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 – Allowed

(a) Application 15/1290 – 13 Sterndale Bennett Road – retention of bike store forward of principal elevation

(b) Application E14/0480 – The Granary Mews, Langstone – erection of fence facilitating extension of curtilage

Resolved

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

Appendix

PLANNING COMMITTEE – 6 JULY, 2016

DECISION SCHEDULE

No	Site/Proposal	Ward	Additional Comments	Decision
16/0348	Ty Hir Newydd, Michaelstone Road Proposed retirement dwelling (resubmission of withdrawn application 15/1459)	Marshfield	The Head of Regeneration, Investment and Housing referred to late representations previously circulated. Mr P Jones on behalf of the applicant spoke in support of the application. Ms H Lease spoke objecting to the application. Councillor Ali arrived during the discussion so did not take part in the discussion or vote	Refused
16/0374	Ysgol Gymraeg Bro Teyrnnon, Brynglas Drive Provision of a temporary two storey modular classroom block and provision of permanent additional access and on site car parking	Shaftesbury		Granted with conditions

16/0230	<p>Fair Orchard Farm, Lighthouse Road</p> <p>Change of use of land to allow motor racing for a limited number of days per year (maximum of 10 days) restricted to Sundays and Bank Holidays only</p>	Marshfield		Granted with conditions
16/0359	<p>Land and buildings encompassing 19-21 Cambrian Road</p> <p>Demolition and erection of a single six storey office and education building (Use classes B1/D1) with associated commercial unit (Use classes A1/A2/A3/B1/D1), kiosk, (Use classes A1/A3), landscaping and associated works (including new stairs)</p>	Stow Hill	Councillor Chris Evans left the meeting during the discussion on this item only and did not take part in the vote	Granted with conditions
16/0425	<p>Bridge Training Centre, Willenhall Street</p> <p>External alterations to building facades, changes to parking layout and provision of outdoor children's play area</p>	Victoria Lliswerry	Councillor Omar Ali left the meeting during the discussion on this item only and did not take part in the vote	Granted with conditions

16/0349	<p>Cwtchdown, 25 Pollard Close</p> <p>Change of use of part of dwelling to day spa and two bedrooms of bed and breakfast accommodation with associated parking layout alterations</p>	Caerleon	<p>The Head of Regeneration, Investment and Housing referred to late representations previously circulated.</p> <p>Mrs Kathryn Sims Burgess-Gould on behalf of the applicant spoke in support of the application.</p> <p>Officers had recommended the application be granted with conditions</p> <p>A motion to undertake a site visit was lost</p>	Refused on the grounds of the impact on neighbouring properties and highways and parking concerns.
16/0042	<p>170-172 Commercial Road</p> <p>Subdivision of supermarket into two retail units and conversion of offices to 5No. apartments and erection of three storey apartment block comprising 10No. apartments and associated parking and access</p>	Pillgwenlly	Councillor Malcolm Linton left the meeting during the discussion on this item only and did not take part in the vote	Refused

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Report

Planning Committee

Part 1

Date: 3 August 2016

Item No: 05

Subject **Planning Application Schedule**

Purpose To take decisions on items presented on the attached schedule

Author Interim Development and Regeneration Manager

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 Interim Development and Regeneration Manager 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).

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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: 16/0215 **Ward:** RINGLAND

Type: FULL (MAJOR)

Expiry Date: 02-MAY-2016

Applicant: HOUSING SERVICES MANAGER

Site: LAND ADJACENT TO AND WEST OF, HARTRIDGE FARM ROAD, NEWPORT

Proposal: DEVELOPMENT OF A PERMANENT GYPSY AND TRAVELLER SITE COMPRISING 35NO. PITCHES EACH WITH STUDIO UNITS AND ANCILLARY WORK AND CHANGE OF USE OF ROAD SAFETY CENTRE TO SITE OFFICE AND COMMUNITY CENTRE AFFECTING PROW 405/04 LLANWERN

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

1.1 This application is for the provision of 35 caravan pitches for permanent occupation by gypsy/travellers at the site of the Road Safety Centre on Hartridge Farm Road, Ringland. The site area is 4.78Ha. The proposal includes ancillary infrastructure consisting of roads, drainage, footways, lighting, visitor parking spaces, 2 No. truck parking spaces, bin storage, CCTV camera & landscaping. The Road Safety Centre building will be retained as a site office and community facility.

1.2 It is proposed to deliver the pitches on a phased basis with 9 pitches in the first instance for two families and the remaining 26 developed to accommodate a third family and growth within the first two families. On completion the site will consist of 3 distinct and separate areas to accommodate the three families as follows:

Site	Total Pitches	Pitches in Phase 1
A	18	5
B	13	4
C	4	0

1.3 Sites A and B will be accessed from Hartridge Farm Road via an upgraded access in the same position as the existing access to the road safety centre. Site A will be at the southern end of the site nearest the railway and will be accessed via a spur road with a gated access. Site B will be located to the north of the existing road safety centre building and will have a loop road arrangement which will also be gated. Site C will be accessed via a separate access point on Hartridge Farm road near to the Ringland Way roundabout on the SDR road.

1.4 Each pitch will measure 25m by 25m and will be fenced in by a mixture of 1.8m close board fences and otherwise by a 1.2m high wicket fence. Access to each pitch will be gated with a timber agricultural style gate. On pitch there will be an area of paviour blocks which will accommodate two car parking spaces (2.4m by 4.8m) and 2no. caravan pitches measuring 4m by 15m (sufficient to accommodate a static caravan). There will be a paved area measuring 9m by 14m on which will be sited a day room measuring 8.75m by 5.25m which will contain a kitchen/diner, utility room, storage cupboard and bathroom/W.C. The day room will be 2.44m to the eaves and 4.7m to the pitch. Proposed materials are timber effect wood / resin composite cladding, artificial slate, grey aluminium doors, door frames & window frames and uPVC soffits, fascias and water goods. Areas of on-pitch landscaping are proposed.

1.5 The existing road safety centre building will be converted to a site manager's office and a community facility. The only physical change proposed is ramp at the main entrance. No commercial activity is sought for the site which will be entirely residential.

1.6 Access will be via the existing Hartridge Farm Road. Each access lane, two in number will require up-grading to improve visibility and will be gated. The accesses are sufficiently wide to allow access by all vehicle types including emergency vehicles. Each of the three sites will effectively be cul-de-sacs aligning with Welsh Government Guidance on site layout where through traffic is discouraged. Footpaths will lead from each site out on to Hartridge Farm Road to connect into the wider highway network. A new 1.8m wide footway will be provided on the western side of Hartridge Farm Road as far as Ysgol Gymraeg Casnewydd. New streetlighting is proposed in the lane.

2. RELEVANT SITE HISTORY

None.

3. POLICY CONTEXT

3.1 Relevant Policies of the adopted Newport Local Development Plan 2011-2026 are:

Policy	Wording
SP1 - Sustainability	Proposals will be required to make a positive contribution to sustainable development by concentrating development in sustainable locations on brownfield land within the settlement boundary. they will be assessed as to their potential contribution to: <ul style="list-style-type: none"> i) the efficient use of land; ii) the reuse of previously developed land and empty properties in preference to greenfield sites; iii) providing integrated transportation systems, as well as encouraging the co-location of housing and other uses, including employment, which together will minimise the overall need to travel, reduce car usage and encourage a modal shift to more sustainable modes of transport; iv) reducing energy consumption, increasing energy efficiency and the use of low and zero carbon energy sources; v) the minimisation, re-use and recycling of waste; vi) minimising the risk of and from flood risk, sea level rise and the impact of climate change; vii) improving facilities, services and overall social and environmental equality of existing and future communities; viii) encouraging economic diversification and in particular improving the vitality and viability of the city centre and district centres; ix) conserving, enhancing and linking green infrastructure, protecting and enhancing the built and natural environment; x) conserving and ensuring the efficient use of resources such as water and minerals.
SP9 - Conservation of the Natural, Historic & Built Environment	The conservation, enhancement and management of recognised sites within the natural, historic and built environment will be sought in all proposals.
GP2 - General Amenity	Development will be permitted where, as applicable: <ul style="list-style-type: none"> i) there will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality; ii) the proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area; iii) the proposal seeks to design out the opportunity for crime and anti-social behaviour; iv) the proposal promotes inclusive design both for the built development and access within and around the development; v) adequate amenity for future occupiers.
GP3 - Service Infrastructure	Development will be permitted where, as applicable: <ul style="list-style-type: none"> i) necessary and appropriate service infrastructure either exists or can be provided; ii) in areas served by the public foul sewer, there is capacity for the development

	<p>within the system or, if not, satisfactory improvements are provided by the developer; in areas served by the public foul sewer, development will not be permitted with connections to private facilities unless there are exceptional circumstances that prevent connection to the public sewer.</p>
GP4 – Highways & Accessibility	<p>Development proposals should:</p> <ul style="list-style-type: none"> i) provide appropriate access for pedestrians, cyclists and public transport in accordance with national guidance; ii) be accessible by a choice of means of transport; iii) be designed to avoid or reduce transport severance, noise and air pollution; iv) make adequate provision for car parking and cycle storage; v) provide suitable and safe access arrangements; vi) design and build new roads within private development in accordance with the highway authority's design guide and relevant national guidance; vii) ensure that development would not be detrimental to highway or pedestrian safety or result in traffic generation exceeding the capacity of the highway network.
GP5 – Natural Environment	<p>Development will be permitted where, as applicable:</p> <ul style="list-style-type: none"> i) the proposals are designed and managed to protect and encourage biodiversity and ecological connectivity, including through the incorporation of new features on or off site to further the UK, Welsh and/or Newport biodiversity action plans; ii) the proposals demonstrate how they avoid, or mitigate and compensate negative impacts to biodiversity, ensuring that there are no significant adverse effects on areas of nature conservation interest including international, European, national, Welsh section 4232 and local protected habitats and species, and protecting features of importance for ecology; iii) the proposal will not result in an unacceptable impact on water quality; iv) the proposal should not result in the loss or reduction in quality of high quality agricultural land (Grades 1, 2 and 3a); v) there would be no unacceptable impact on landscape quality; vi) the proposal includes an appropriate landscape scheme, which enhances the site and the wider context including green infrastructure and biodiversity networks; vii) the proposal includes appropriate tree planting or retention where appropriate and does not result in the unacceptable loss of or harm to trees, woodland or hedgerows that have wildlife or amenity value.
GP6 – Quality of Design	<p>Good quality design will be sought in all forms of development. the aim is to create a safe, accessible, attractive and convenient environment. in considering development proposals the following fundamental design principles should be addressed:</p> <ul style="list-style-type: none"> i) context of the site: all development should be sensitive to the unique qualities of the site and respond positively to the character of the area; ii) access, permeability and layout: all development should maintain a high level of pedestrian access, connectivity and laid out so as to minimise noise pollution; iii) preservation and enhancement: where possible development should reflect the character of the locality but avoid the inappropriate replication of neighbouring architectural styles. the designer is encouraged to display creativity and innovation in design; iv) scale and form of development: new development should appropriately reflect the scale of adjacent townscape. care should be taken to avoid over-scaled development; v) materials and detailing: high quality, durable and preferably renewable materials should be used to complement the site context. detailing should be incorporated as an integral part of the design at an early stage; vi) sustainability: new development should be inherently robust, energy and water efficient, flood resilient and adaptable, thereby facilitating the flexible re-use of the building. where existing buildings are present, imaginative and sensitive solutions should be sought to achieve the re-use of the buildings.
GP7 – Environmental	<p>Development will not be permitted which would cause or result in unacceptable harm to health because of land contamination, dust, instability or subsidence, air, heat,</p>

Protection & Public Health	noise or light pollution, flooding, water pollution, or any other identified risk to environment, local amenity or public health and safety.
CE6 Archaeology	Development proposals will normally be required to undertake an archaeological impact assessment before the proposal is determined: i) where groundworks and/or the installation of services are proposed within the archaeologically sensitive areas of Caerleon, the levels, lower Machen and the city centre, or; ii) within other areas of recognised archaeological interest.
T3 – Road Hierarchy	In order to facilitate the effective and safe use of the highway network a hierarchy of roads will be established. this road hierarchy will be used to determine the principle of access for new developments, it comprises the following: iv) access routes – these provide access to residential areas, industrial areas, the city centre and small rural communities and businesses. if necessary, and for reasons of safety and amenity, traffic movements and speed will be restricted. Walking, cycling and bus routes will be incorporated into layouts where appropriate. These roads will often give greater priority to pedestrians and cyclists.
T4 – Parking	Development will be required to provide appropriate levels of parking, within defined parking zones, in accordance with adopted parking standards.
T7 – Public Rights of Way & New Development	Any public footpath, bridleway or cycleway affected by development proposals will require retention or the provision of a suitable alternative. provision of additional routes, where appropriate, will be sought in new developments, with linkages to the existing network.
H16 – Gypsy & Traveller Residential Accommodation	Land is allocated for permanent gypsy and traveller residential accommodation at Hartridge Farm Road, Ringland (8.64ha).
H17 – Gypsy & Traveller Accommodation Proposals	Proposals for gypsy and traveller caravan sites, including on land outside defined settlement boundaries, will be permitted provided: i) the site is well related to suitable community facilities and services for the prospective occupants; ii) the site is capable of being served by utilities including sustainable waste disposal and recovery and emergency services; iii) the site is not within areas at high risk of flooding, given the particular vulnerability of caravans; iv) there is an identified and genuine, local need for accommodation for the occupiers.
CF2 – Outdoor Playspace Requirements	Where development results in the loss of open space or a requirement for open space is demonstrated in conjunction with Policy SP13, provision in accordance with the fields in trust standard (or as amended) will be sought. The developer will be required to pay a commuted sum to cover future maintenance.
CF12 – Protection of Existing Community Facilities	Proposals that would result in the loss or change of use of buildings currently used for community facilities will only be permitted if: i) alternative provision can be made, of at least an equal benefit to the local population; or ii) it can be demonstrated that the existing provision is surplus to the needs of the community.

National Policy

This circular offers general advice on the identification of gypsy sites and the processing of related planning applications. Paragraph 19 offers the following advice:

Issues of **site sustainability** are important for the health and well-being of Gypsy and Travellers not only in respect of environmental issues but also for the maintenance and support of family and social networks. It should not be considered only in terms of transport mode, pedestrian access, safety and distances from services. Such consideration may include:

- Opportunities for growth within family units;
- The promotion of peaceful and integrated co-existence between the site and the local community;
- The wider benefits of easier access to GP and other health services;
- Access to utilities including waste recovery and disposal services;
- Access for emergency vehicles;
- Children attending school on a regular basis;
- Also other educational issues such as space e.g. for touring or static play bus, homework club, teaching base for older children and adults
- suitable safe play areas;
- contribute to a network of transit stops at intervals that reduce the need for long-distance travelling - see paragraph 7;
- possible environmental damage caused by unauthorised encampment;
- not locating sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans and;
- regard for areas designated as being of international or national importance for biodiversity and landscape.

Non Planning Guidance

3.3 Designing Gypsy & Traveller Sites (May 2015)

The guidance relates to Local Authority owned sites.

Paragraph 3.2: Sites should be for 20 pitches or less unless there are exceptional circumstances and consultation and engagement has taken place with stakeholders

Paragraph 3.5: Where larger sites are developed, Local Authorities should consider the possible impact of the site on community cohesion, access to services and environmental sustainability. It is important that the views of prospective residents and the surrounding local community are gathered during consideration of developing larger sites.

Paragraph 3.8: A number of factors will have to be taken into account when deciding upon the physical layout of the site. These include: the number of families to be accommodated, type and location of facilities or amenities, access issues and the environment and aesthetics of the land to be developed. The ethnic, cultural or family groupings who are resident on the site may also give rise to particular design considerations. For example, where sites are to be shared by different communities a 'tree branch' design may be preferable to a 'circular' design

Paragraph 3.15: Sites may include a range of facilities, including community buildings or play areas, which could affect the layout of the site.

Paragraph 3.21: If a location is considered inappropriate for conventional housing use on the grounds of health and safety, then it should also be considered inappropriate for a Gypsy and Traveller site. A Gypsy and Traveller site should not be located in areas which will have a detrimental effect on the general health and well-being of the residents. The location of a site should enable, not hinder, access to services such as health and education.

Paragraph 3.22:

Access – Local Authority residential sites should be located with access to public roads and footpaths leading to the site. Although access to public transport would be ideal, it may be unrealistic in close proximity to the site in rural settings;

Suitability of land – A site survey should be undertaken which will identify possible problems such as drainage, risk of flooding, contaminated land etc. Local Authorities should consider whether remediation work to resolve any problems is financially viable. Mobile homes are considered to be highly vulnerable to flooding so sites should not be situated in C2 flood zones. Locations in C1 flood zones should be subject to a justification test.¹⁴

Local Services – Ideally located within reasonable distance from education settings, health services and shops. If a site is located, or is going to be located, in a rural area this will not be achievable in many instances. Local Authorities must comply with the Learner Travel (Wales Measure) 2008 (as amended) and associated guidance. For further details please see the Learner Travel pages of the Welsh Government website¹⁵;

Environment – sites should not be located next to hazards such as rivers or canals, unless appropriate mitigation can be installed. Locating sites next to industrial sites or major roads should be carefully considered, which may require monitoring of noise and air quality and resultant design measures to reduce the impact.

Utilities – water, electricity, sewerage, drainage and refuse disposal should be provided on all sites. This may require consultation with utility providers to ensure any essential criteria for new connections is understood.

Sustainability – the site should be available for use as a Gypsy and Traveller site in the long-term (at least 21 years).

Paragraph 3.30: Care should be taken to integrate the boundary treatment of the site into the local environment. The aim should be to achieve a balance between securing the boundaries and maintaining a pleasant and more open environment on site.

Paragraph 3.37: As a minimum, each pitch should be capable of accommodating an amenity block, a mobile home, touring caravan and parking for two vehicles. Section 60 of the Mobile Homes (Wales) Act, defines ‘mobile home’ as measuring up to 20 metres in length and 6.8 metres in width. However, Local Authorities should consider consulting the proposed occupiers of the site to determine whether they intend to occupy smaller static caravans or mobile homes which meet these maximum dimensions.

Paragraph 3.43: Amenity blocks should include a separate WC with a sink unit for hand washing which is accessible through a lobbied room. Baths with overhead showers are recommended. The block should also include a store room, a kitchen and food preparation area and a small dining area for the family. The diagram at Annex 2 provides an example illustration of how this could be designed. The minimum recommended floor space of an amenity block is 23m².

Paragraph 4.8: On larger sites (sites with more than 20 pitches) a communal building is likely to be necessary and should be discussed with site residents. The community building could be used for outreach and support work, youth clubs, playgroups, quiet space for children doing homework, adult education, early years’ sessions or health clinics.

4. CONSULTATIONS

4.1 GLAMORGAN & GWENT ARCHAEOLOGICAL TRUST (GGAT):

The Trust can confirm that **the proposal has an archaeological restraint**. An Archaeological field evaluation has been conducted on the site by Archaeology Wales (Report no. 1413) dated November 2015. The evaluation trenches uncovered numerous features dating from the late Iron Age through to the Roman period, concentrated in the southwest corner of the proposed development area. The cremated remains of at least two individuals were recovered, drainage gullies and ditches, a stone lined drain, as well as ring ditches and postholes were recorded suggesting sustained occupation.

Whilst the site may not necessarily be of national importance, it is certainly of regional importance and is likely to be adversely affected by the proposed development. Therefore it

is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

We envisage that, based on the results of the archaeological field evaluation, this programme of work would take the form of the full excavation of the southern section of the site, and an archaeological watching brief during the groundworks required for the development in the northern section of the site. It will contain detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. We note that section 8.4 of the Planning Statement states that an archaeological excavation and watching brief will take place and a written scheme of investigation will be produced which will detail the required work.

To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014

No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

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

We also recommend that a note should be attached to the planning consent explaining that:

The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (ClfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a ClfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

4.2 DWR CYMRU / WELSH WATER (DCWW): No objection subject to the application of conditions preventing connection of surface water drainage to the foul sewer and the provision of a 10m easement either side of the water main that crosses the site.

4.3 WALES & WEST UTILITIES: Advise of equipment in the area and safe working practices.

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

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE & CITY SERVICES (HIGHWAYS): the proposed layout is acceptable and no objections are raised.

5.2 HEAD OF STREETSCENE & CITY SERVICES (ECOLOGY OFFICER):

5.2.1 No objection but comments as follows:

1-A water vole survey was undertaken in 2015 and no evidence of water vole was found during the survey. The proposed application site does not include the reed. No further surveys are recommended;

2-A bat survey of the trees was not undertaken as there are no proposed works to any of the trees on the site. If any works are proposed to the trees at a later stage that these will need to be assessed for bat potential;

3-A bat scoping survey was undertaken in May 2015. Following on from this 2 emergence surveys were completed in May and June. No bats were observed leaving the building. A general activity transect survey was also undertaken. The results of this found that bats were foraging (feeding) along the eastern tree boundary of the site;

4-A reptile survey has been undertaken on the site and a 'good' population of slow worms has been identified on the site. Therefore the site does meet SINC (site of Importance for Nature Conservation) criteria and as such should be given material planning consideration in line with NCC Wildlife and Development SPG;

5-A Phase 1 survey of the site has been undertaken. None of the habitats impacted by the proposed development meet SINC criteria for botanical interest.

5.2.2 The following planning conditions are recommended:

1-A sensitive lighting scheme will need to be implemented in order to maintain the dark corridors that are used by foraging bats around the periphery of the site;

2-The site does meet SINC criteria therefore in accordance to the Wildlife and Development SPG an area of known slow worm habitat will need to be managed as compensation. This ratio is set at 1:1:5. The compensation area will need to be managed for a period of 7 years and monitored. Approximately 6.2 hectares of slow worm habitat will be lost, therefore 9.3 hectares will need to be managed off site;

3-Phased approach to clearance for the archaeological dig. It is recommended that these areas are initially cut to a height of 150mm, by hand working in one direction. Arising will need to be collected and removed to another part of the site which are not going to be excavated. The second cut, a few days later will need to be undertaken using the same approach. Once the grass is cut to a height of 50mm then excavation can begin. This will need to be in line with the submitted reptile mitigation strategy;

4- I'm led to believe that the site is to be developed in phases. As such it is recommended that a phased approach to habitat manipulation and eventually reptile translocation will be required. Given the first phase of the project will not impact upon the areas noted for having the most slow worms it is recommended that habitat manipulation is used to (as described above) to move the slow worms away from the construction zone. Reptile fencing will need to be erected to prevent slow worms moving back into the site. When the details of the remainder of the site are submitted, then a translocation can take place. A reptile mitigation strategy will need to be conditioned and agreed with the NCC Ecology Officer prior to commencement of works. The reptile mitigation strategy which has been submitted will need to be updated and amended to reflect a 'phased' approach. If for some reason the phased approach is not going to be an option and the whole site is to be developed as one the translocation off the site will be required. This will need to be undertaken over an entire season by suitably qualified ecologists prior to commencement of works;

5-Protective mammal fencing around the site as shown on plans will need to be conditioned and maintained indefinitely;

6-Vegetation works should be undertaken outside bird nesting season.

5.3 HEAD OF STREETSCENE & CITY SERVICES (PUBLIC RIGHTS OF WAY): PROW 405/4 is affected by this proposal. As it stands, the PROW will need to either be formally diverted out of the site or extinguished.

Paragraph 4.4 of the 'Design and Access Statement' states that "... an extinguishment or diversion will be sought once planning permission is gained." The Planning process should not assume that a PROW modification order can be guaranteed. This possible diversion/extinguishment order will be subject to the usual Legal procedure and consultation process which affords any member of the public the right to make comments or objections. Valid objections which cannot be overcome could see the proposal refused.

For this reason we would suggest that Planning Permission should not be granted prior to the possible diversion or extinguishment being formally granted.

One unrelated point to put on record, the application refers to the "former Road Safety Centre" numerous times. However, this is the current Road Safety Centre. The building is still being used for road safety education purposes and no formal notification of its closure has ever been received by the Road Safety Officer who occupies the building. If the building is to cease its road safety function then adequate notice will be required, particularly for the schools who participate in road safety education at the venue as they will need to make alternative arrangements.

- 5.5 HEAD OF LAW & REGULATION (CONTAMINATED LAND): Advises the application of planning conditions to address any ground contamination issues that may arise since the site is previously developed land.
- 5.6 HEAD OF LAW & REGULATION (NOISE): No objection subject to conditions relating to:
- Limitations to the impact of railway noise (to be achieved by acoustic fencing);
 - Limitations to the impact of noise from the RSPCA centre (to be achieved by acoustic fencing);
 - Application of a Construction Environment Management Plan condition.
- 5.7 HEAD OF HOUSING & REGENERATION (PLANNING POLICY): Most of the site falls within an Archaeologically Sensitive Area. It is noted that an Archaeological Evaluation has been submitted with the proposal. It is recommended that the Glamorgan and Gwent Archaeological Trust (GGAT) are consulted on this application.

In terms of the layout and design, it is noted that no provision has been made for play. Guidance provided in the Welsh Government 'Designing Gypsy and Traveller Sites' (May 2015) notes the importance of play provision, along with the 'Good practice guide for play and early years – Developing and managing Gypsy and Traveller Sites'. The submitted Planning Statement acknowledges the importance of play space and suggests that the applicant will work with children from the site to develop a number of informal play spaces. However at present, there is no indication of where these areas will be or what they will contain. For a development of this size, onsite playing space would usually be expected. The proposed development will also affect a public footpath. The applicant will need to satisfy Policy T7 of the LDP.

The principle of the site is policy compliant and supported. However, the lack of onsite play provision needs further consideration in order to satisfy Policy CF2 of the LDP (Outdoor Play Space Requirements). The intention of the applicant to provide play space is supported, however there needs to be a firmer commitment to this. Play space provision is usually estimated from the number of people expected to live on the site. Therefore further discussion is necessary between the Local Planning Authority and applicant to determine where the play space areas will be and whether they will include equipment or not.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties within 100m of the application site were consulted (81 properties), 3 no. site notices were displayed (outside Ysgol Gymraeg Casnewydd, at the Hartridge Farm Road / Pwll Pen Lane junction and on the gates to the Road Safety Centre) and a press notice was published in the South Wales Argus.

6.1.1 315 proforma letters were received making the following points:

- Additional traffic will be generated
- The proposed access to the site is unacceptable and a different access would avoid harm to amenity of residents
- Noise mitigation for future residents is inadequate
- Hedgerows should be retained
- The existing access to the Road Safety Centre should be closed up.

6.1.2 40 other objections were received raising the following issues:

- Additional traffic will be generated
- The proposed access to the site is unacceptable and a different access would avoid harm to amenity of residents
- Noise mitigation is inadequate
- Hedgerows should be retained
- The existing access to the Road Safety Centre should be closed up.
- Caravan pitches are too close to the RSPCA kennels and will be subject to noise
- Hartridge Farm Road is very busy especially at school pick-up and drop-off, increased traffic will create an unacceptable accident risk.
- The caravans will not be able to open their windows because of noise concerns

- An additional noise survey should be carried out because of noise issues on the site
- There should not be a communal area for storing waste bins due to concerns over vermin infestation.
- No commercial use should be allowed on the site.
- Crime will increase.
- The site will be larger than advised by Welsh Government (35 pitches rather than 20)
- More traffic will increase accident risk in the lane.
- The pavement will unacceptably narrow the existing lane.
- The site will overwhelm the local population
- Residents have not been consulted
- Additional traffic in the lane will reduce the privacy of residents
- The plots are too near the mainline railway and will be unacceptably noisy.
- Increased traffic poses a risk to children accessing the school sites on Hartridge Farm Lane
- Adding a pavement will make Hartridge Farm Lane too narrow, vehicles will struggle to pass each other.
- The site should only be used for residential use
- The site will add to existing social problems in Ringland
- There is a high level of objection to the site, this should not be ignored.
- The site is too large and the gypsies will be socially isolated.
- Existing access to the old 'Labour Club' and the water works could be used instead of Hartridge Farm Lane.
- Extra traffic will endanger people walking dogs from the RSPCA centre.
- Granting planning permission would be a poor decision.
- Emergency vehicles will not be able to get up and down Hartridge Farm Lane because of the additional traffic.
- The footpath will prevent people parking in the lane since it will be too narrow.
- Hartridge Farm Lane is usually blocked by parked traffic at school drop-off and pick-up times – traffic using the site will not be able to get past.
- Gypsies do not want to live on the site and will not live together peaceably
- Additional pupils will put strain on local schools
- Ringland lacks social facilities
- The plans for the application are not clear
- Road noise and railway noise make the site too noisy for people to live on
- Prospective future developments will add even more traffic to the current lane which is already overbusy.
- Complaints about noise will prejudice the future of the RSPCA centre.
- New streetlighting will have an adverse impact on the living conditions of existing residents.
- Hartridge Farm Lane should not be used to access the site.
- Future living conditions for occupiers will be poor due to surveillance cameras and the close proximity of non-related families.
- There are archaeological remains on the site
- The site has significant bio-diversity value
- There will be fly-tipping and untended horses
- The gypsies and local people will not get along
- There is no support for the proposal
- Emergency vehicles will not be able to access the lane if it is narrowed
- The plans have been kept a secret and the decision is being rushed.

One comment in support raising the following points:

- The gypsies need a permanent site.
- The re-location of the gypsies from their current location will bring benefits to the industrial estate (Queensway Meadows).

6.1.3 Two comments making observations:

- The RSPCA wish to maintain good relations with current and future neighbours.
- Some pitches are close to the boundary of the RSPCA centre and this may result in noise complaints.

- Further noise assessment is required to ensure no noise nuisance will arise and good neighbourly relationships are maintained.
- The proposed refuse point is too close to the dwelling located within the RSPCA centre.
- Features that children who may live on the site would like to see were identified.

6.1.4 Two comments were not published on the Council's website; one due to offensive content and another since it made no planning based comments.

6.2 COUNCILLOR KELLAWAY (LLANWERN): The proposed entrance will have a negative impact on existing properties on Hartridge Farm Road, will see an increase in traffic both domestic and commercial vehicles travelling past the high school for both access and egress by its very nature will increase road safety concerns for the travellers, school children (denying them safe route to school) and existing residents, serious consideration ought to be given to moving the access to a point that is acceptable to all parties.

Regarding the PROW, as per the officer's report¹ I would suggest that planning application be suspended until this issue has been addressed for the reasons given by the officer.

I would at this point ,continue to oppose the application for any residential development until the issues highlighted by Environmental Health officer has been fully addressed for the sake of existing and future residents.

6.3 LLANWERN COMMUNITY COUNCIL: The proposed access to the site is considered unsuitable and does not mitigate the impact it will have on existing residents and the Welsh language primary school. The Community Council suggests an access point lower down Hartridge Farm Road or using the former Social Club Access.

¹ Public Rights of Way Officer's Consultation comment.

Objections regarding access and egress have been raised by residents and the Community Council request Highways and the Applicant consider alternative routes to the proposed site using access points lower down Hartridge Farm Road which will have a lesser effect on existing dwellings.

7. ASSESSMENT

7.1 The key issues relevant to the determination of the application are:

- Impact of traffic generation from the site on Hartridge Farm Lane.
- Impact of the proposal on existing residents of Hartridge Farm Lane.
- The impact of noise on the residential amenity of the proposed site.
- General suitability of the site in terms of facilities and layout.
- Loss of the Road Safety Centre

7.2 Other minor issues are:

- Impact on the Public right of Way.
- Impact on bio-diversity; badgers, bats, slow worms
- Impact on Archaeology.
- The scale of the site.
- Sustainability

7.3 Impact of traffic generation from the site on Hartridge Farm Lane

7.3.1 The proposal is to use the existing access arrangements to the Road Safety Centre, that is Hartridge Farm Road and the current site access. A footway will be added on the western edge of the road and streetlighting provided.

7.3.2 The access has not been objected to by the Head of Streetscene and City Services and is considered to be technically adequate to meet the requirements of the site in terms of moving mobile homes onto the site, accommodating occasional movements by touring

caravans (should any occupiers maintain a nomadic lifestyle) and the day to day movements of the occupiers

7.3.3 Housing site H1(57) in the Deposit Plan (LDP), April 2012 identified this site (actually a slightly larger site) for housing to provide 290 units. In the draft deposit LDP the site (slightly reduced) was identified as Newport's permanent gypsy site and this was carried through into the adopted plan. To be clear the current site is allocated as a gypsy traveller site in the adopted Newport Local Development Plan (2011-26) under Policy H16. As such the use of the site for residential purposes was established early in the plan making process and the use of the site for gypsy traveller accommodation has been confirmed as part of the adopted plan.

7.3.4 The LDP Inspector stated the following in terms of developing the site at Paragraph 6.21 of his 'Report to Newport City Council' (11/12/2014):

The site has also been assessed in relation to traffic generation, highway capacity and highway safety, taking into account other planned development in the locality. Matters such as proximity to the railway line and a main road, existing infrastructure, provision of utilities, topography, ecology and landscape considerations have all been taken into account. Although opponents of the allocation point to an environmental space notation in the UDP there is no evidence of any particular overriding environmental quality that should frustrate the allocation. The site is within the urban boundary and has an existing use, at least in part, for road safety training purposes. It has clear potential for development.

7.3.5 The Inspector also noted at Paragraph 6.19 of his Report that:

Although residents closest to the site understandably have concerns about impact on their environs, the site is within a part of Newport undergoing considerable change and growth in any event. If not allocated for this purpose in the Plan the site could be expected to see housing or other built development, with attendant changes to roads, traffic and the outlook from existing properties on Hartridge Farm Road. Notwithstanding this, the site is well screened and, subject to proper attention to detailed design and layout, capable of accommodating the intended use in a reasonably discreet and visually acceptable manner.

7.3.6 In the light of this concerns over the use of the access road in technical capacity terms cannot be sustained. Although the lower part of Hartridge Farm Road is undoubtedly busy at school pick-up and drop-off times at other times of the day the road is not busy and there is no particular reason to think the additional traffic generated by the development could not be accommodated within the highway network. The site will have its own parking and there is no realistic prospect of parking being displaced into the lane. Nor is there any reason to think the addition of the footway will make the operation of the lane impossible. The lane will be required to serve additional units of accommodation but the additional traffic generation can be absorbed by the network and nearby junctions will not be overloaded. The proposal is acceptable in highway terms. The proposal complies with Policy GP4vii (traffic generation) since the traffic generation does not exceed the capacity of the highway network. This is confirmed by the submitted Transport Statement and Transport Statement update.

7.3.7 The proposed footpath will improve pedestrian links to the site. Currently pedestrians must share the lane with motor vehicles. The provision of the footway will improve access arrangements and the overall sustainability credentials of the site and will not have any marked harm to the operation of the highway network. The proposal is compliant will policy GP4i (appropriate access for pedestrians) and T3iv (incorporation of walking facilities into layouts) as well as general sustainability requirements under Policy SP1.

7.4 Impact of the proposal on existing residents of Hartridge Farm Lane

7.4.1 The key issue for the residents in amenity terms will stem from the increased use of Hartridge Farm Road to serve the new site. In effect the permission will be for 35 new dwellings with 31 being served from the existing Road Safety Centre access. Caravan movements will be relatively few since this is a permanent site and the overwhelming majority of the traffic will be local day to day traffic. The site was proposed for development

from the early stages of the LDP process, 290 houses initially and the LDP Inspector noted that the site had clear potential for development. It should also be borne in mind that the current levels of use of the Road Safety Centre are very low and could be significantly higher if the centre was operated in a different way. Additionally Housing Site H1(55) – the Jigsaw Site is in close proximity to the existing houses and is expected to deliver 200 houses in the plan period. In short the adopted plan allows for growth in this part of the city and increased activity levels during the plan period are to be expected.

7.4.2 The residents of Hartridge Farm Road are in an area where there are two allocated housing sites and in the event the application site had not been allocated as gypsy site it might have been progressed as a housing site. The application site is within the urban boundary and has no specific designations that would stand in the way of it coming forward for development. As such it is highly likely that the residents of Hartridge Farm Lane would have experienced increased activity levels within the vicinity of their homes even if this application had not come forward since some form of development could be reasonably anticipated in any event.

7.4.3 It is clear that this proposal will increase the traffic using the lane but there is no reason to think that this will be so significant as to pose any unacceptably harmful amenity loss to existing residents via noise from vehicles, light from vehicle headlamps, traffic fumes or any other disturbance. The gypsy site will be screened by the existing and retained hedgerows, which can be protected under planning condition and separation distances are appropriate with the edge of the nearest pitch being approximately 45m from the front façade of any dwelling. Hartridge Farm Lane runs between the pitches and the houses, with the houses being on the other side of the road from the proposed site. As such inter-visibility and over-looking are precluded. The scope for screening was also noted by the LDP Inspector in his report, see Paragraph 7.3.5 of this report. The proposal complies with Policy GP2i since there will be no significant adverse effect on local amenity in terms of noise, disturbance, privacy, overbearing, light, odours and air quality. The proposal complies with Policy GP2ii since it will not be detrimental to the visual amenities of nearby occupiers.

7.4.4 In terms of the scale of the site national guidance (Designing Gypsy & Traveller Sites) does advise that sites should normally be less than 20 pitches. This site will be larger if built out to its full potential. However the guidance does allow for sites over 20 pitches in certain circumstances. The LDP Inspector addressed that issue at Paragraph 6.15 of his report:

Here there is an identified immediate need to provide 23 residential pitches, in order to accommodate 3 families. The Council has a statutory duty to make appropriate accommodation available in response to this and has shown good planning reasons why the sites currently occupied by the families should not be developed as permanent residential caravan sites. There has been consultation and engagement with the existing community and with the families who would occupy the site. Whilst opponents of the allocation claim that the families were not presented with proper alternatives, the Council's evidence indicates that the families are content with the proposal – and no objection to the allocation has come from this quarter. The site is sufficiently large to allow a layout whereby each family could occupy its own space, with adequate separation between. There is nothing to suggest that the families cannot co-exist in this way due to cultural factors.

7.4.5 It should be noted that national guidance (Designing Gypsy & Traveller Sites) does not preclude sites over 20 pitches but does allow for them where there are exceptional circumstances and consultation and engagement has taken place with stakeholders. In this case the LDP Inspector concluded that the circumstances of the site and the number of pitches required meant that a larger site could be sustainably accommodated. In terms of the impact on the host community the Inspector concluded the impact would be acceptable noting at Paragraph 6.17 of his report:

There is no evidence that the scale of provision envisaged, namely initial provision of 23 pitches followed by gradual incremental addition potentially amounting to 20 further pitches over the rest of the plan period, would have significant adverse implications for physical or community infrastructure provision. Nor do I consider that provision of this scale would dominate the settled community of Ringland. There is to my mind added assurance in this

given that the provision is for families already long-established in Newport and forming part of the community, with children attending local schools.

7.4.6 Notwithstanding the concerns of local residents there is no reason to assume that the site cannot reasonably accommodate the proposed pitch numbers in an acceptable way or that there would be a dominating effect on the local community by the gypsy / travellers. It should be borne in mind that in the early stages of the plan this site was considered suitable for 290 dwellings which would have had a materially greater impact on the local community in terms of generating new residents.

7.5 The impact of noise on the residential amenity of the proposed site

7.5.1 The applicant submitted a noise assessment (April 2013) with the application since noise has been identified as a constraint on the site with noise sources being:

- The RSPCA Centre,
- The mainline railway at the site's southern boundary,
- Road noise from the Southern Distributor Road.

7.5.2 The survey concluded that given typical noise levels on the site noise mitigation would be needed to bring noise levels within acceptable criteria for both internal and external areas of the site. A reduction of up to 5dBA for external areas and up to 20dBA for internal areas was needed to achieve the target noise levels. The report concludes appropriately located acoustic fencing would achieve the necessary mitigation for external areas but a slight exceedance might be seen for internal noise if windows were open. In terms of noise from the RSPCA centre it was concluded that at noisy times (feeding time) no plot should be located within 30m of the boundary of the centre and any plot within 60m would need acoustic screening.

7.5.3 Following concerns raised by the Head of Law & Standards (noise) in relation to noise from the RSPCA centre a further noise survey was undertaken in June 2016. That report concludes the following:

- Road noise – no mitigation required
- Rail noise – a 2.0 to 2.5m high acoustic screen would achieve the necessary mitigation.
- RSPCA Centre – a 2.0 to 2.5m high acoustic fence would need to be installed along the western boundary of the RSPCA Centre to give the necessary mitigation.

7.5.4 The Head of Law & Regulation (noise) commented has accepted these findings and has suggested conditions are applied to ensure the necessary mitigation is achieved. Policy GP7 (environmental protection) is complied with in relation to noise subject to the application of an appropriate condition.

7.6 General suitability of the site in terms of facilities and layout

7.6.1 The site will provide three distinct sub-areas to serve the three family groups who are intended to occupy the site. Each section will be gated off to give a degree of self-containment. Site A will be served off a spur road with a turning head and Site B will be served by a loop road. Both of these sites will use the existing Road Safety Centre access. Site C will have its access lower down Hartridge Farm Lane and will also consist of a spur road with a turning head.

7.6.2 The proposed plots will be approximately 620 square metres with space for two static caravans, two off road parking spaces and a day room measuring 42 square metres and containing a kitchen diner, a utility room, a bathroom with bath, wash hand basin and W.C. and a store cupboard. The day room will be accessible to the disabled. Externally there will be a small area of garden and the pitch will be fenced and gated. This is considered to comply with the advice of *'Designing Gypsy and Traveller Sites'* and to provide a good level of amenity for the future occupiers and to comply with Policy GP2v, adequate amenity for future occupiers.

7.6.3 Paragraph 4.8 of *'Designing Gypsy and Traveller Sites'* notes that larger sites (over 20 pitches) should have a communal building. The former Road Safety Centre building would

be converted to a community building so this part of the advice would be complied with as would Policy SP12i (Community Facilities – community centres).

- 7.6.4 No play facilities are proposed at the current time but the site contains space that could be used for informal play and facilities might be provided in the future when it becomes more clear what facilities would suit future residents. The lack of formalised play space within the scheme is not considered harmful to the overall scheme and would not be a reason to withhold permission.
- 7.6.5 A communal bin store is proposed near the main entrance to the site. This will necessitate residents dragging their bins out to the store on bin day since the spur roads on the site will be gated. This is an inconvenience but allows control over the use of the spur roads which will not have footways and will be a multi-use space. Given the low number of units served by each road and the family links between residents this is not considered to be a problem since the spur roads will be a low speed environment and drivers can be expected to show due care. Non-residents will be unlikely to use the spur roads (parking near the main entrance) and it would be anticipated that any non-resident accessing an individual plot would be aware the space was shared and would drive at low speed. The road layout is considered appropriate for the development and complies with Policy GP4i (appropriate access) and GP4v (suitable and safe access arrangements).
- 7.6.6 The proposed bin store is immediately to the rear of a dwelling located within the RSPCA centre. The RSPCA have commented on the location of the bin store and note the potential for the use of the store to cause disruption to the resident warden by noise and odour. This is a valid concern and it is proposed to deal with this by applying a condition requiring the relocation of the bin store to another location within the site. The applicant has confirmed that they are prepared to accept such a condition. The currently proposed location of the bin store is not a reason to withhold permission.

7.7 Loss of the Road Safety Centre

- 7.7.1 The Road Safety Centre has been used over the years to deliver road safety training to a variety of user groups. The applicant confirms that the centre is no longer in use and that there is no intention of re-commencing the use. The centre is in Council ownership which directly controls the site and the future use of the centre. The loss of a community facility is contrary to Policy CF12 (Community Facilities) unless it can be shown that the loss will be made good or that the facility was surplus to requirements. In this case there is no immediate plan to replace the centre although the Council is seeking to identify an alternative location where the activities supported at the centre can be relocated to. There is no firm plan in place to replace the centre beyond a general aspiration. It has not been shown that the facility is redundant (rather than the owner has no intention to maintain the provided service). As such the loss of the Road Safety Centre is contrary to Policy CF12 but this loss will need to be balanced against the benefits of the scheme.

7.8 Impact on the Public Right of Way

- 7.8.1 Public Right of Way (PRoW) 405/4 passes through the site entering in the approximate position of the entrance to the Road Safety Centre and heading due west towards the Southern Distributer Road. The path terminates close to the former sewage works and does not link into any wider public rights of way network. As such the path is little used. Policy T7 requires that any public footpath should be retained or a suitable alternative provided. The applicant has not demonstrated that the route can be retained or needs to be diverted but the site layout would allow for a route to be retained without passing through private areas of the site (pitches). As such the development does not prevent the retention of a public route through the site that would be of a similar amenity level to that currently available (noting the lawful use of the site as a Road Safety Centre). As such it is considered that Policy T7 can be complied with in this instance although an application for a formal diversion may need to be sought under either the Highway Act or Section 257 of the Planning Act as appropriate.

7.9 Impact on bio-diversity

7.9.1 The site is semi-rural and has some bio-diversity potential. The Head of Streetscene and City Services (Ecology) confirms that she has no objections to the scheme but confirms the need for conditions to protect conservation interests on the site. The proposed bio-diversity conditions for this proposal are:

- A condition to control the lighting installed on the eastern boundary of the site in order to maintain a bat foraging corridor.
- A condition to require the installation of mammal fencing around the site.
- A condition requiring a mitigation strategy for the translocation of slow worms from the site to a reception site.

7.9.2 Subject to these conditions the proposal is acceptable and compliant with Policy GP5ii (negative effects on bio-diversity are mitigated or compensated for).

7.10 Impact on Archaeology

7.10.1 The site has been shown to have significant archaeological interest. The Glamorgan & Gwent Archaeological Trust have commented on the application and advise that the archaeological interest of the site can be protected by the imposition of a condition requiring an agreed scheme of archaeological work to be carried out. Subject to the application of such a condition the proposal complies with Policy CE6 (Archaeology) since the archaeological interest of the site can be assessed and evaluated. An archaeological evaluation of the site is currently proceeding in accordance with a written scheme of investigation. The Trust have confirmed that the proposed scheme of evaluation is acceptable and advise a condition requiring the evaluation is carried out in accordance with the submitted written scheme should be applied.

7.11 Sustainability

7.11.1 The site lies within the urban area and there is implicit assumption that it is sustainable for this reason. The site access (Hartridge Farm Lane) is to be up-graded to provide better pedestrian access with the construction of a footpath on the lane. The site is close to schools, Llanwern High School and Ysgol Cymraeg Casnewydd and is within 430m of the nearest bus stop on the other side of the SDR. The proposal is considered to be sustainable and in compliance with Policy SP1 being the reuse of previously developed land (Road Safety Centre and former Labour Club site) and otherwise generally sustainable.

7.12 Planning Balance

7.12.1 The proposal is for a residential gypsy / traveller site on an allocated site within the adopted Newport Local Development Plan 2011-2026. The proposal accords fully with Policy H16 and conforms with other relevant Policies other than CF12 in reference to the loss of the Road Safety Centre. Notwithstanding this issue the site was identified as part of a Council initiative to find a residential gypsy site and the location was considered appropriate by the LDP Inspector who commented at Paragraph 6.22 of his report:

There is a clear and demonstrable need for the Plan to make provision for social rented accommodation for the families concerned. The Hartridge Farm Road allocation would meet this need in full. The site is deliverable without delay, being within the Council's ownership. I find no overriding planning basis for objection to the Council's approach. Although opponents argue that the Plan should instead seek to provide separate, smaller sites for each family, other appropriately-sized and located sites which are equally suitable and deliverable are not evident. Overall, I find the Hartridge Farm Road allocation to be a rational and justified response to the identified need, with no overriding reason why the allocation should not be retained. I conclude that the Plan is sound in this respect.

7.12.2 The allocation of this site clearly meant that the existing use would face extinguishment at some point in the plan period and that was accepted by the Council as a corporate entity when the site was promoted during the LDP adoption process. The LDP Inspector confirmed the site as appropriate for the identified use in planning terms and there is no

reason to disagree with this assessment. As such the loss of the Road Safety Centre is very clearly outweighed by the need for the scheme and the benefits it will confer. There is a clear balance in favour of 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)*

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 proposal accords with the site allocation in the adopted Newport Local Development Plan 2011-2026 and is acceptable in terms of other development management considerations (other than the loss of the Road Safety Centre). The planning balance is clearly in favour of the proposal and permission should be granted subject to conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents (other than in relation to the streetlighting in Hartridge Farm Lane and the proposed on-site bin store for which alternative details are required under condition):

- Drawing 22,368 – Hartridge Farm Road Travellers Site Column Locations

- Drawing 22367 - Hartridge Farm Road Travellers Site Lighting Column Specification All Phases.
- Drawing HTS-CAP-0000-DSP-DE-PA12 00 – Foul and Surface Water Drainage Layout
- Drawing 22,366 – Hartridge Farm Road Travellers Site Lighting Levels Designed to BS5489 EN13201 Lighting Class S3 (other than in relation to the lighting columns in Hartridge Farm Lane).
- Drawing HTS-CAP-0000-DSP-HE-PA02A P00 – Proposed General Arrangement for Site A and Site B Sheet 1 of 2
- Drawing HTS-CAP-0000-DSP-HE-P03 00 – Proposed Contoured Plan
- Drawing HTS-CAP-0000-DSP-HE-PA04 P01 – Longitudinal and Cross Section Location Plan.
- Drawing HTS-CAP-0000-DSP-HE-PA05 00 – Longitudinal Sections Through Proposed Access Road
- Drawing HTS-CAP-0000-DSP-HE-PA06 00 – Cross Sections
- Drawing HTS-CAP-0000-DSP-HE-PA07 P01 – Proposed Plans & Elevations Double Unit
- Drawing HTS-CAP-0000-DSP-HE-PA08 P01 – Pitch Layout & Perspective Views Double Unit
- Drawing HTS-CAP-0000-DSP-HE-PA09 P01 – Proposed Plan & Elevations Single Unit
- Drawing HTS-CAP-0000-DSP-HE-PA10 P01 – Pitch Layout & Perspective Views Single Unit
- Drawing HTS-CAP-0000-DSP-HE-PA11 00 – Vehicle Swept Paths
- Drawing HTS-CAP-0000-DSP-HE-PA13 00 – Pitch Drainage Layout Typical Double Unit
- Drawing HTS-CAP-0000-DSP-HE-PA14 P00 – Proposed General Arrangement Phase 1
- Drawing HTS-CAP-0000-DSP-DE-PA15 00 – Foul & Surface Water Phase 1 Drainage Layout
- Drawing HTS-CAP-0000-DSP-HE-PA02B P00 – Proposed General Arrangement for Site C Sheet 2 of 2
- Drawing NPS-DR-A-(00)-000 P1 – Proposed Plan, Elevation and Photo

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

Slow worms - mitigation / method statement

02 Prior to the commencement of any development on the site a mitigation scheme for the relocation of slow worms shall be submitted to the Local Planning Authority. The scheme shall include details of:

- the timing of works, including any required phasing for the site clearance.
- the methodology for the clearance of scrub (including the extent of areas to be cleared) and the safe collection of slow worms,
- their exclusion from cleared areas,
- their relocation to an identified receiving habitat,
- the scale and nature of the receiving habitat including a justification of its selection,
- any works of preparation within the receiving habitat and any subsequent maintenance regime to maintain the integrity of the receiving habitat,
- a short term (5 years or less) monitoring plan for the new habitat, with the monitoring reports to be submitted to the Council,
- a medium term (6-10 years) monitoring plan for the new habitat, with the monitoring reports to be submitted to the Council,
- provision for a contingency plan in the event the trans-location is judged to be failing by the Council's Ecology advisor on the receipt of the above monitoring reports,
- a schedule for reporting to the Council's Ecology advisor to show that the mitigation strategy is effective,

Following the Council's written agreement the slow worm mitigation strategy shall be carried out as agreed.

Reason: to protect the interests of the slow worm population on the site.

Contamination

03 No development, (other than demolition) shall commence until:

a) The potential contamination identified in the submitted Phase I Preliminary Risk Assessment shall be explored further via an appropriate intrusive site investigation. A site investigation Report to BS10175/2011 standards shall be submitted for review and approval in writing by the Local Planning Authority.

b) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be occupied until:

c) Following remediation 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.

d) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

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.

Tree / Scrub protection

04 Prior to the commencement of any works on the site a tree / scrub retention plan shall be provided to the Local Planning Authority. Following the Council's written agreement the Tree / Scrub Retention Plan shall be carried out as agreed. No vegetation shall be removed from wooded or scrub areas identified as being retained and these areas shall be fenced off using tree protection fencing of the type identified in BS5837 2012 prior to development commencing on the site. The fencing shall be installed in a location identified in the tree / scrub retention plan. The fencing shall be retained for the duration of building works (or any relevant phase of building works) and at no time shall any engineering works, storage of materials, trafficking of vehicles, parking of vehicles, fires or tipping of waste materials or fluids take place within the retained woodland and scrub or within the fenced off area.

Reason: to protect areas of retained woodland and scrub on the site in the interests of visual amenity and bio-diversity.

Phasing plan

05 Prior to any development commencing on site a phasing plan detailing the delivery of the proposal shall be provided in writing to the Council. Following the Council's written agreement the development shall proceed in accordance with the approved phasing scheme.

Reason: to ensure the development proceeds in a regulated way in the interests of the amenity of future occupiers and local residents.

Landscaping Scheme

06 Before any development, other than demolition, 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 scheme shall include details of any relevant phasing programme. 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 the development or part of the development to which it relates. 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 inclusive.

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.

CEMP

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

- dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition Activities';
- noise mitigation measures;
- details of temporary lighting;
- details of enclosure of working areas or any other temporary fencing;
- a drainage strategy to operate setting out controls of contamination, including controls to surface water run-off, water pumping, storage of fuels and hazardous materials, spill response plans and pollution control measures.
- Location of storage areas for materials, soils and plant; vehicle parking for contractors and the siting of welfare facilities & the site office.

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

Reason: To protect the amenities of nearby residents and in the interests of ecology.

Mammal fencing

08 Prior to works commencing on site a scheme shall be submitted to the Council in writing giving the specification and location of a mammal proof fence to be installed around the approved development. The scheme shall specify any phased installation of the fence as may be required and appropriate trigger points for the implementation of the fence (or any part of the fence). The fence shall be installed in full accordance with any scheme as may be approved in writing by the Council.

Reason: to exclude protected mammals from the site

Pre –occupation conditions

Noise fence

09 A noise attenuation fence in accordance with the recommendations of the Hepworth Acoustics June 2016 Noise Assessment shall be installed prior to the occupation of any pitch in need of acoustic protection by that fence or any relevant section of that fence (dependent on phasing). Once installed the fence shall be retained as installed.

Reason: to ensure residents are not exposed to excessive noise.

Streetlights (bats)

10 Notwithstanding the submitted lighting details, no lighting shall be installed in Hartridge Farm Lane until details have been submitted showing the proposed lighting in the lane will not have an adverse impact on the foraging behaviours of the local bat population. Following the Council's written agreement the proposed lighting scheme for the lane shall be installed as agreed prior to the occupation of any residential pitch on the site.

Reason: to protect the interests of the local bat population and to preserve their future conservation status.

Bin storage

11 Notwithstanding the submitted details, details of a relocated bin store shall be provided in writing to the Local Planning Authority prior to any caravan being moved onto the site. Details shall include its siting and appearance. The bin store shall be provided as agreed and retained thereafter prior to the beneficial occupation of any pitch on the site.

Reason: to ensure rubbish can be appropriately stored and to protect the interests of neighbouring occupiers.

Footway provision

12 No pitch hereby approved shall be occupied until the approved footway in Hartridge Farm Lane has been provided.

Reason: to ensure future occupiers can safely access the site on foot in the interests of sustainability and road safety.

Roads completion

13 No pitch shall be occupied until the road that serves it has been completed to base layer and the on-pitch hard surfacing has been provided as submitted. The final top coat to any road shall be completed within 12 months of the occupation of any pitch served by that road or the completion of any other phase of the development as may be submitted to and agreed in writing by the Local Planning Authority.

Reason: to ensure pitches can be appropriately accessed and necessary hardlandscaping is completed.

Other conditions requiring information to be submitted

Camera

14 Prior to its installation details of the camera and its mounting column shall be provided in writing to the Local Planning Authority. Following written approval of the details the camera shall be installed as agreed.

Reason: to protect the visual amenity of occupiers of the site.

Directive conditions

Means of enclosure - installation

15 Each pitch shall be enclosed in accordance with the submitted details prior to its first occupation.

Reason: to ensure appropriate levels of privacy and the safety of younger children.

Tree and hedge retention

16 The trees and hedgerows that constitute the eastern boundary of the site shall be retained unless removal is required to facilitate the improvements to the site access.

Reason: in the interests of preserving visual and residential amenity and the character and appearance of the area.

Archaeology

17 A programme of archaeological work shall be carried out fully in accordance with the written scheme detailed in 'Written Scheme of Investigation for an Archaeological Excavation and Watching Brief – May 2016' prior to the development or any relevant phase of the development being commenced.

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

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- Drawing 22,368 – Hartridge Farm Road Travellers Site Column Locations
- Drawing 22367 - Hartridge Farm Road Travellers Site Lighting Column Specification All Phases
- Drawing HTS-CAP-0000-DSP-DE-PA12 00 – Foul and Surface Water Drainage Layout
- Drawing NPS-DR-A-(00) – 000 P1 – Existing Plan, Elevations and Site Location Plan
- Drawing 22,366 – Hartridge Farm Road Travellers Site Lighting Levels Designed to BS5489 EN13201 Lighting Class S3
- Drawing HTS-CAP-0000-DSP-HE-PA02A P00 – Proposed General Arrangement for Site A and Site B Sheet 1 of 2
- Drawing HTS-CAP-0000-DSP-HE-P03 00 – Proposed Contoured Plan
- Drawing HTS-CAP-0000-DSP-HE-PA04 P01 – Longitudinal and Cross Section Location Plan.
- Drawing HTS-CAP-0000-DSP-HE-PA05 00 – Longitudinal Sections Through Proposed Access Road
- Drawing HTS-CAP-0000-DSP-HE-PA06 00 – Cross Sections
- Drawing HTS-CAP-0000-DSP-HE-PA07 P01 – Proposed Plans & Elevations Double Unit

- Drawing HTS-CAP-0000-DSP-HE-PA08 P01 – Pitch Layout & Perspective Views Double Unit
- Drawing HTS-CAP-0000-DSP-HE-PA09 P01 – Proposed Plan & Elevations Single Unit
- Drawing HTS-CAP-0000-DSP-HE-PA10 P01 – Pitch Layout & Perspective Views Single Unit
- Drawing HTS-CAP-0000-DSP-HE-PA11 00 – Vehicle Swept Paths
- Drawing HTS-CAP-0000-DSP-HE-PA13 00 – Pitch Drainage Layout Typical Double Unit
- Drawing HTS-CAP-0000-DSP-HE-PA14 P00 – Proposed General Arrangement Phase 1
- Drawing HTS-CAP-0000-DSP-DE-PA15 00 – Foul & Surface Water Phase 1 Drainage Layout
- Drawing HTS-CAP-0000-DSP-HE-PA02B P00 – Proposed General Arrangement for Site C Sheet 2 of 2
- Drawing NPS-DR-A-(00)-000 P1 – Proposed Plan, Elevation and Photo
- Drawing HTS-CAP-0000-DSP-HE-PA01 P01 – Site Location & Land Ownership Plan
- Archaeological Evaluation – Archaeology Wales (November 2015)
- Bat Report Hartridge Farm Driving School, Newport (October 2015)
- Product Specification (camera solutions) – Technical Specifications
- Phase 1 Preliminary Risk Assessment Report (WPA Environmental) (12/11/2015)
- Transport Statement (Capita) – November 2013
- Gypsy & Traveller Accommodation Background Paper (June 2013)
- Transport Statement Update - July 2015
- Noise Assessment (Hepworth Acoustics) – April 2013
- Planning Statement - March 2016
- Reptile Mitigation Strategy – October 2015
- Reptile Survey and Method Statement – January 2014
- Hartridge Farm, Newport BS5837 Tree Information
- Water Vole Assessment, Land at Hartridge Farm Road, Ringland, Newport, Issue 01 – May 2015
- Noise Assessment (Hepworth Acoustics) – June 2016
- Written Scheme of Investigation for an Archaeological Excavation and Watching Brief – May 2016
- Badger Assessment: Land at Hartridge Farm Road, Ringland, Newport (Issue 01) – 03/04/2015

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, GP2, GP3, GP4, GP5, GP6, GP7, CE6, T3, T4, T7, H16, H17, CF2 & CF12 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 amended Wildlife and Countryside Act 1981 protects bird species whilst nesting in the UK. This protection extends to a bird, its nest, eggs, and young until such time as the young have fledged. Vegetation clearance should proceed outside the peak bird-breeding season (generally considered to be March through August inclusive) or within the breeding season only if a pre-clearance survey shows no breeding birds to be present, nesting or commencing nesting within the vegetation to be affected.

APPLICATION DETAILS

No: 15/0419 **Ward:** LLISWERRY

Type: FULL (MAJOR)

Expiry Date: 18-JUN-2015

Applicant: HEYWORTH DEVELOPMENTS (NEWPORT) LTD

Site: LAND AND BUILDINGS FORMING 38 TO 234, LIBERTY GROVE, NEWPORT

Proposal: ERECTION OF 4NO. APARTMENT BLOCKS ACCOMMODATING 92NO. RESIDENTIAL UNITS, CAR PARKING, ACCESS ARRANGEMENTS AND ASSOCIATED WORKS

Recommendation: GRANTED WITH CONDITIONS SUBJECT TO SECTION 106 LEGAL AGREEMENT WITH DELEGATED POWERS TO REFUSE THE APPLICATION IN THE EVENT THAT THE AGREEMENT IS NOT SIGNED WITHIN 3 MONTHS OF THE DECISION

1. INTRODUCTION

- 1.1 This application site is part of a wider area of land that was granted outline planning permission in 2005 for the development of 117 units within 7No.blocks of three and four storey flats. Landscaping was a reserved matter and details were submitted in 2008 pursuant to approving the final reserved matter. The landscaping details were refused and the outline planning permission subsequently expired. Despite there being no complete planning permission for the site, construction of 4 of these blocks commenced. Block A was sold to Fairlake Ltd and received retrospective planning permission in December 2010. Blocks B, C and D are now also built and partly occupied. These were granted retrospectively under planning permission 10/1271, which also gave permission for 99 apartments within 3 further blocks at the southern end of the site.
- 1.2 This current submission seeks full planning permission for an alternative residential scheme to the south of the site, comprising 92 flatted units (1 & 2 beds) within 5 four storey blocks, together with associated parking and landscaping. 9no affordable units are included as part of the development.

2. RELEVANT SITE HISTORY

05/1038	RESIDENTIAL DEVELOPMENT OF 117 UNITS IN 7 (NO) BLOCKS OF THREE AND FOUR STOREY FLATS (OUTLINE)	Granted with Conditions
08/0667	RESIDENTIAL DEVELOPMENT OF 117 (NO) UNITS IN 7 (NO) BLOCKS OF THREE AND FOUR STOREY FLATS (RESERVED MATTERS: LANDSCAPING)	Refused
10/0794	RETROSPECTIVE PLANNING PERMISSION FOR BLOCK A, CONTAINING 18 AFFORDABLE RESIDENTIAL UNITS, PROVIDING 1 AND 2 BEDROOM APARTMENTS, 21 CAR PARKING SPACES AND ASSOCIATED LANDSCAPING	Granted with Conditions
10/1271	RESIDENTIAL DEVELOPMENT (PART RETROSPECTIVE) OF 99 APARTMENTS TOGETHER WITH ASSOCIATED HIGHWAY WORKS, VEHICULAR AND PEDESTRIAN ACCESS, CAR AND CYCLE PARKING, REFUSE STORAGE, LANDSCAPING AND OTHER	Granted with Conditions

	ANCILLARY USES AND ACTIVITIES (RESUBMISSION FOLLOWING EXPIRY OF 05/1038)	
13/0434	PROPOSED DEVELOPMENT OF 25 RESIDENTIAL DWELLINGS AND ASSOCIATED WORKS	Granted with Conditions

3. POLICY CONTEXT

3.1 **Newport Local Development Plan** - SP1 Sustainability: seeks to ensure the development takes into account sustainable development principles. The proposal is supported due to its re-use of previously developed land.

SP3 Flood Risk: There is a need to locate development outside of flood risk. Where a proposed site such as this is located partly in flood risk the consequence of flooding must be investigated and justified.

SP13 Planning Obligations: Proposals of this scale will be required to provide or make contributions to infrastructure.

GP1 General Development Principles – Climate Change: This policy seeks to ensure that the development is to withstand climate change over the lifetime of the development.

GP2 General Development Principles – General Amenity: There is to be no significant adverse effect on the amenity of the existing or new community.

GP3 General Development Principles – Services Infrastructure: This policy requires justification as to the suitability of the service infrastructure required by the proposal e.g. sewerage.

GP4 General Development Principles – Highways and Accessibility: The proposal must not detrimentally affect the highway capacity. There must be adequate public access and any new roads must be compliant with the Councils design scheme.

GP5 General Development Principles – Natural Environment.

GP6 General Development Principles – Quality of Design: All new development must ensure that they are to achieve good quality design. This is ensuring that the proposal creates a safe, accessible and attractive environment taking into account the context, scale and materials of the design.

GP7 General Development Principles – Environmental Protection and Public Health: This policy seeks to ensure that there is no unacceptable harm to health from a development.

H1 Housing Sites: The proposed development has been allocated within the LDP as a housing site (H43). The site will therefore be supported as to its ability to fulfil part of the housing supply for the plan period.

H2 Housing Standards: Housing developments will be required to be built to high standards of environmental and sustainable design.

H3 Housing Mix and Density.

H4 Affordable Housing: This policy requires sites of 10 or more units to provide on-site affordable housing provision.

T4 Parking: This policy requires adequate level of parking to ensure there is no detrimental impact on the new site or existing community.

3.2 **Supplementary Planning Guidance**

Planning Obligations adopted August 2015 - This Supplementary Planning Guidance (SPG) identifies what, and when, the Local Planning Authority will expect from developers in terms of planning obligations, in order to assist the Council in creating sustainable communities that provide social, economic, and environmental benefits.

Affordable Housing adopted August 2015 - Sets out the Council's requirements for affordable housing, to ensure new developments help to meet the City's housing needs and create mixed, sustainable communities. This SPG expands upon the planning policies set out in the adopted Local Development Plan and outlines how the Council expects affordable housing to be delivered as part of new residential developments.

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

Local Development Plan. Biodiversity must be actively considered by all development proposals.

New Dwellings adopted August 2015 - This SPG has three main functions: i) To ensure that occupants of new dwellings have reasonable living conditions; ii) To ensure that new dwellings do not deprive persons in existing dwellings of reasonable living conditions; and iii) To protect the character and appearance of the natural and built environments.

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: No objection.
- 4.2 DWR CYMRU – WELSH WATER: Request conditions relating to drainage.
- 4.3 NEWPORT ACCESS GROUP: No response.
- 4.4 WALES AND WEST UTILITIES: Provide details of apparatus within the area.
- 4.5 ARCHITECTURAL LIAISON OFFICER: Offers no objections to the application. Encourages the developers to design and construct the site to the standards found within Secured by Design and are available to provide advice and guidance in relation to this area.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): The sustainability assessment justifies residents parking being provided at a ratio of 1 space per unit. However, visitor parking must also be provided at a ratio of 1 space per 5 units resulting in a requirement of 18 visitor spaces. The applicant has proposed to provide 99 spaces which means only 7 visitor spaces will be provided. The proposed layout means that visitor parking cannot be accommodated on road as it would result in obstruction of vehicles looking to access and egress parking bays. Parking must be provided in accordance with The Newport City Council Parking Standards 2012 which the applicant has not been able to demonstrate as being achievable. In addition, some of the spaces still directly abut against the carriageway. As previously stated the proximity of adjacently parked vehicles reduces visibility along the access road. Therefore opposes the application and recommends refusal. Notwithstanding this, conditions relating to engineering details and requiring a Construction Management plan are requested should planning permission be granted.
- 5.2 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY OFFICER): Is satisfied with the reptile survey submitted and that no reptiles were found. Recommends that a native wildflower mix is planted in the landscape area.
- 5.3 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPE OFFICER): Offers no objection to the proposals but asks that the applicant considers green roofs on flat roofed area. Detailed landscape plans and a plant schedule and maintenance schedule, plus details of the 'hard' landscape proposals, including all surfaces finishes, must be submitted for approval.
- 5.4 HEAD OF REGENERATION, INVESTMENT AND HOUSING (ESTATES): No response.
- 5.5 HEAD OF LAW AND REGULATION: Offers no objection but requests conditions relating to contamination and requiring a construction environmental management plan are imposed.

- 5.6 HEAD OF REGENERATION, INVESTMENT AND HOUSING (PLANNING CONTRIBUTIONS MANAGER): Over and above the previous partially implemented planning permission/s (i.e. 05/1038 and 10/1271), the current proposal represents a net addition of 47 units, comprising 23 x 1 bed flats and 24 x 2 bed flats. Consequently, the additional planning obligations are required to mitigate the net increased impact of the development and, thereby, provide a sustainable development.
- 5.7 HEAD OF LAW AND REGULATION (POLLUTION): Offers no objection to the proposals but requests conditions relating to contamination and construction.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (134 properties) and a site and press notice were displayed. One response received requesting clarification on the proposed boundary treatments.
- 6.2 COUNCILLORS: Local Ward Councillors have shown an interest in the application.

7. ASSESSMENT

- 7.1 The site lies within the urban boundary and is accessed from Liberty Grove beyond the four flatted blocks that were originally approved under application 05/1038. The site measures 0.73 hectares in area. The southern and western boundaries back onto the rear gardens of those properties that form part of the Taylor Wimpey riverside development. The eastern boundary is formed by the rear gardens of the terraced dwellings that front onto Portskewett Street and Gaskell Street, and the northern boundary is marked by Lysaghts Park recreation ground.
- 7.2 The site was formerly used as the Croda factory. However, the buildings associated with this former use were demolished prior to the commencement of the first four blocks initially granted planning permission in 2005. The portion of land now under consideration has been raised using fill material brought to the site.
- 7.3 The site and the 4no existing blocks are allocated as an existing housing commitment by Policy H1 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) for a total of 117 units. This number is based on the original Outline planning permission at the site and is not prescriptive. In view of this allocation and taking into account the extant planning permission for 99 units in the 6no blocks approved under application 10/1271 (54 of which have been built), the principal of residential development is acceptable.

7.4 *Planning History & The Site's Fall-Back Position*

As noted above, the extant planning permission (ref.10/1271) provides a fall-back position for the site. This application was part retrospective and consisted of 6No.three storey apartment blocks providing 99 apartments together with associated highway works, vehicular and pedestrian access, car and cycle parking, refuse storage and landscaping. Three of the blocks to the north-west of the site have been constructed. However, rather than constructing the three southern blocks, it is proposed to increase the density with 5 four storey blocks totalling 92 apartments, resulting in a net increase of 54 units.

7.5 *Proposals*

5no four storey apartment blocks are proposed (blocks A-E) in a courtyard formation creating a 'c' shape based around a central car parking area providing 99no parking spaces and landscaped garden. The footprint of the blocks would be of a similar size measuring between 21m and 24m in length by 8m in depth. Block A would be sited near to the southern boundary, similar to block G approved under 10/1271. Blocks B and C would be sited near to the western boundary and block D and E would be sited to the north of the site. 36no one bed flats would be provided and 56no 2bed flats. The access road to the

blocks would also be similar to that previously approved. A new pedestrian link would be provided into Portskewett Street. Communal bin stores would be provided along the eastern perimeter and cycle store to accommodate 36 cycles is situated between blocks C and D and to the west of block A. 5no parking spaces are proposed at the bottom of Portskewett street although there would be no vehicular access to the application site via Portskewett Street.

7.6 Although the footprint and arrangement of the blocks would be similar to that consented under 10/1271, their design would be substantially different being four storey as opposed to three and having flat roofs instead of pitched. The overall height of the proposed blocks would be just less than 12m. The height of the previously consented blocks is 10.5m. Due to the proposed blocks having flat roofs the overall height difference, despite the blocks having another storey would be just 1.5m.

7.7 The consented blocks and those already built are similar in design and are typical of other apartment blocks approved in the area at the time. The façades of the blocks are fairly simple with openings arranged uniformly. Materials are also conventional. The proposed apartment blocks would have more of a contemporary appearance. Front and rear elevations would contain a mix of buff and grey masonry white cladded projections with beige cladded infill panels. Further interest would be added with the use of projecting communal entrances and juliet balconies. Due the generic design of much of the surrounding development, it is considered that there is scope for the introduction of the proposed flat roofed apartment blocks and the variation in design is welcomed.

7.8 A considerable amount of formal landscaping would be provided around the blocks in the spaces between the apartment buildings and neighbouring boundaries and around the parking areas.

7.9 Details of proposed boundary treatments have been provided. Existing 1.8m high perimeter fencing would be retained around much of the site. In addition brick retaining walls with 1.8m high fence on top is proposed behind the parking spaces along the eastern edge of the site. Existing pallisade fencing around the electricity pylon to the south-west of the site would be retained. Dwarf walls with 900mm railings are proposed to the south of the site to the side of block A. The proposed boundary treatments are considered to be acceptable.

7.10 **Amenity**

The site is surrounded by existing residential development. As such suitable separation distances are essential to safeguard residential amenity. Where the apartment blocks neighbour existing residential dwellings, the blocks would all be sited a good distance away from the common boundaries. The blocks are nearer to the shared boundaries where they would be adjacent to the side elevations of neighbouring apartment blocks without habitable room windows or neighbouring parking forecourts and communal areas which are overlooked in any case. Window to window distances (between habitable room windows) between the proposed apartments and between the development and the existing surrounding dwellings comfortably exceed the 21m standard. It is not considered that the proposals would result in a loss of privacy or amenity to neighbouring occupants.

7.11 Whilst compact, the internal layouts of the apartments are considered to provide a good standard of accommodation. Furthermore, the development would be served by a large amount of outdoor space, the full treatment of which could be secured by a landscaping condition. It is also worthwhile noting that the site is adjacent to Lysaghts Park. It is considered that a good standard of amenity would be provided for the future occupiers of the apartments.

7.12 **Highways**

The proposals include the provision of 99 vehicle parking spaces plus five further vehicle spaces within Portskewett Street. In accordance with the Council's Parking Standards the applicant has submitted a sustainability assessment which reduces the requirement for parking provision down to one space per unit (92no spaces) plus visitor spaces. The requirement for visitor parking is one space per five units (18no parking spaces). However,

only 7no visitor spaces would be provided, resulting in a shortfall of 11no visitor parking spaces. The Head of Streetscene (Highways) has objected to the proposals due to the shortfall of visitor parking spaces and has also raised concerns about some of the spaces which directly abut against the carriageway.

- 7.13 There is little scope for the applicant to provide any additional parking spaces within the proposed layout without impacting on the accessibility of the other parking spaces. Some on-street parking is available along Liberty Grove although this could potentially put pressure on the availability of these spaces for residents of the existing flats. However, a number of officer site visits at various times during the week and weekends has shown that the level of existing parking provision does not appear to be a problem with dedicated parking spaces largely vacant and very little on-street parking. No objections have been received from neighbouring residents concerning parking which reinforces officer's view that this does not appear to be problematic. Furthermore, the scheme includes the provision of 5no parking spaces within Portskewett Street. Whilst these spaces would not be specifically allocated to residents of the proposed apartments and could be used by the residents in Portskewett Street, a pedestrian walkway link through to the site would be provided and so these spaces could also be used by visitors or occupants of the proposed apartments. On balance, it is therefore considered that in this instance, whilst the parking provision does not meet the Council's standards, for reasons outlined above the proposals are considered to be acceptable and would not result in a detrimental impact to highway safety.
- 7.14 With regard to comments concerning spaces directly abutting against the carriageway and where the layout allows, pedestrian walkways have been provided to overcome the concerns of Highways officers. Although several of the spaces (approximately 12) would still directly abut against the carriageway. The relationship between the spaces and the carriageway is not unusual and vehicle speeds along the carriageway through the site are likely to be low as drivers would be aware of the possibility of vehicles reversing out of spaces. On balance, this arrangement is considered to be acceptable.
- 7.15 Notwithstanding the objections of the Head of Streetscene, he has requested conditions relating to engineering details and requiring a Construction Management plan. These are recommended.

7.16 ***Flooding***

The proposed development site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). NRW 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, a designated main river.

- 7.17 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.
- 7.18 ***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 key points of the TAN are:

- 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;

- Residential development is defined as ‘highly vulnerable development’ which is ‘development where the ability of occupants to decide on whether they wish to accept the risks to life and property associated with flooding, or be able to manage the consequences of such a risk, is limited’.
- The TAN states ‘it would certainly not be sensible for people to live in areas subject to flooding where timely flood warnings cannot be provided and where safe access/egress cannot be achieved’.
- There should be minimal risk to life, disruption and damage to property.

7.19 Summary of NRW consultation response

- The existing site is unaffected by both the 1% and 0.1% annual probability fluvial flood events in the River Usk.
- The existing site is unaffected by both the 0.5% and 0.1% (plus allowance for climate change) annual probability tidal events, applying a lifetime of development of 100 years (Year 2115)
- The access and egress routes outside the development site are non-compliant with A1.15 of TAN 15.
- Whilst the access and egress routes serving the site exceed A1.15 of TAN 15 and are considered by NRW to result in a corresponding flood hazard greater than Low Risk, the FCA states “*residents should be encouraged to sign to the NRW Flood Warning Service. Residents should have sufficient time to evacuate the premises if necessary....the buildings themselves would also provide an appropriate point of containment for residents if necessary until the floodwaters had subsided*”. It is up to the LPA to decide whether this is acceptable.
- The development does not increase flood risk elsewhere as, during the remediation of this site (pre-residential planning permission for 4 residential blocks circa 2005), it was raised to a level of 10.2m AOD. This results in the existing levels being set above the design tidal flood events.

7.20 In summary, NRW confirm that they offer no objection to the proposals subject to a condition requiring the development to be carried out in accordance with the FCA with a finished floor level of 10.25 metres Above Ordnance Datum.

7.21 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.

7.22 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.

7.23 **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

7.24 Located within the settlement boundary and an allocated housing site within the LDP, Officers consider that the development is necessary as part of a local authority strategy required to sustain an existing settlement.

7.25 **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.

7.26 The site accords with this definition.

7.27 **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.

7.28 ***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.

7.29 ***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.

7.30 ***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.

7.31 ***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.

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

Flood depths are in excess of 1m along the escape/evacuation routes and velocities are generally above 0.5 metres per second. As such the development does not comply with

test 6. However, one of the routes would become compliant with the limits set out within the TAN approximately 5 hours after the flood event occurred as the flood waters begin to withdraw. This route is along the riverside walkway from Argosy Way and it emerges onto Corporation Road opposite the B&Q store.

7.33 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.

7.34 A Flood Emergency Management Arrangement document has not been submitted.

7.35 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.

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

7.37 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.

7.38 Test 10 - No flooding elsewhere.

NRW do not object to the development on this basis.

7.39 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 offer no objection on the basis of the above.

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

7.41 The applicant has submitted information concerning flooding of access and egress routes. The three routes that the applicant has identified are predicted to flood in excess of 1m at a maximum velocity of 0.5 metres per second. TAN 15 advises that 600mm is an acceptable wading depth and so the levels would clearly be deeper than this. The velocity of the flood waters is also faster than the maximum velocity rate of 0.3 metres per second referred to in the TAN in relation to property access. One of the routes would become compliant with the TAN at approximately 5 hours after the flood event occurred.

7.42 With this in mind it should also be reiterated that the flood risk is tidal and it is likely that occupants would have advanced warning of possible flooding, although this should not be relied upon.

7.43 It is therefore possible that occupants may have to remain in their homes for 5 hours until safe egress can be made. It is likely that in the event of flooding this would be without power and water. However, given that the occupants would be able to remain flood free in familiar surroundings five hours is considered to be an acceptable amount of time to wait in their properties before they would be able to use the evacuation route to access higher ground, should they wish to do so.

7.44 Furthermore, as previously noted, the site benefits from an extant consent that would allow for the provision of three apartment blocks.

7.45 In summary, when assessing whether the risks and consequences of flooding can be satisfactorily managed, whilst the proposals do not satisfy tests 6 and 12 of TAN 15, for the reasons noted above, the development is still considered to be acceptable in terms of flood risk.

7.46 **Financial Contributions**

Due to a net increase of 47 dwellings over the scheme's previously consented by 05/1038 and 10/1271. The Planning Contributions Manager advises that the following financial obligations are triggered:

7.47 **Education**

Secondary:

The development falls within the catchment area of Lliswerry High School. Taking into account the scale and type of development proposed, as well as the current surplus school capacity of 135 pupil places (as at January 2015), no secondary education contribution is required.

Primary:

The development is served by St Andrew's Primary School. Taking into account the scale and type of development proposed, as well as the current surplus school capacity of 54 pupil places (as at January 2015), no primary education contribution is required.

Leisure

The on-site provision of open space is deemed sufficient to service the leisure needs of the development. The site is to be maintained and managed by a Private Management Company

7.48 **Affordable Housing**

In accord with Council policy, provision of 9 units in one discrete block, comprising 6 x 1 bed flats and 3 x 2 bed flats to be transferred to an RSL (at 50% of ACG) and to include the freehold of the block, with no additional service charges or management costs relating to external areas comprising landscaping, road or parking space maintenance. The proposed properties will be offered on a 'neutral tenure' basis providing opportunities for applicants to rent or part-purchase their home. The properties will be allocated through the Common Housing Register, attain the appropriate Welsh Government standards and be transferred to a Registered Social Landlord, zoned for Newport by the Welsh Assembly Government.

7.49 **Monitoring Fees**

A Monitoring Fee of £2,999 will be required to cover the Council's cost of negotiations and on-going monitoring of the planning obligations. Full sum to be paid upon completion of the legal agreement

7.50 The applicant has confirmed their agreement to the Heads of Terms and will be required to enter into a legal agreement. The Council Housing Strategy and Development Manager

confirms that she is satisfied with the affordable housing aspect of the Section 106 Legal Agreement.

7.51 **Ecology**

The site does not contain any trees although it does contain some scrub. The application is accompanied by a reptile survey which confirms no reptiles were found. The Council's Ecology Officer has been consulted and confirms she offers no objection to the proposals. She also recommends that a native wildflower mix is planted in the landscape area.

7.52 The Council's Landscape Officer requested the applicant give thought to the provision of green roofs, but the applicant has declined to incorporate this into the development.

8. OTHER CONSIDERATIONS

8.1 **Crime and Disorder Act 1998**

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

8.2 **Equality Act 2010**

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

8.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

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

9. CONCLUSION

9.1 The development site is allocated within the Council's LDP for housing and the proposals represent a positive contribution towards the Council's housing requirements.

9.2 The development is considered to be acceptable in terms of scale and design and impact on neighbours.

9.3 Whilst there would be a shortfall in parking provision, there is not considered to be particular pressure for on street parking in the area currently and on balance, the proposals are considered to be acceptable in highway safety terms.

9.4 The development is considered to be acceptable in terms of flood risk despite not satisfying tests 6 and 12 of TAN 15.

9.5 It is recommended that planning permission is granted subject to the following conditions and legal agreement.

10. RECOMMENDATION

GRANTED WITH CONDITIONS SUBJECT TO SECTION 106 LEGAL AGREEMENT WITH DELEGATED POWERS TO REFUSE THE APPLICATION IN THE EVENT THAT THE AGREEMENT IS NOT SIGNED WITHIN 3 MONTHS OF THE DECISION

01 The development shall be implemented in accordance with the following plans and documents: A101 Revision J, A110 Revision A, A109 Revision A, A110 revision A, A110 Revision A, A106 Revision B, A119 Revision C, A102 Revision D, A105 Revision A, A112 Revision A, A108, A107, A104 Revision B, A103 Revision B, A100.

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

Pre- commencement conditions

02 No development, (other than demolition) shall commence until:

a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.

b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to (BS10175/2011), containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.

c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:

d) Following remediation 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.

e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

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.

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

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

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

Reason: To protect the amenities of nearby residents.

04 No development, shall commence until engineering details for the construction of the highway infrastructure to include construction specification, alignment, widths and drainage and detailed proposals of the works to be undertaken in Portskewett Street, have been submitted to the Local Planning Authority and written approval received. The development shall be carried out in accordance with the approved details and the roads and footpaths must be constructed to the Council's approved standards.

Reason: In the interests of highway and pedestrian safety.

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

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

06 Prior to the commencement of development, full details of the means of surface water drainage disposal to serve the site shall be submitted to and approved in writing by the Local Planning Authority. The system shall be implemented in accordance with the details approved and retained in this state thereafter.

Reason: In order to ensure that the site can be adequately drained and to prevent overloading of the public sewerage system.

07 Notwithstanding the details previously submitted, no development, shall commence until full details of hard and soft landscaping to include tree planting for the site (indicating the number, species, heights on planting and positions of all trees and shrubs to include a native wildflower mix) has been submitted to the Local Planning Authority and written approval received. The approved scheme shall be carried out in its entirety in accordance with the approved details 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.

08 No development, shall commence until details and plans showing the finished slab level of the building(s) hereby approved, together with cross sections through the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of visual amenities.

Pre –occupation conditions

09 Prior to first occupation of the units hereby approved, the roads and footpaths must be constructed to base course as a minimum, the final wearing course on the footways and carriageway must be laid prior to occupation of the last unit on site.

Reason: In the interests of highway and pedestrian safety.

10 The access, parking provision and general arrangement shall be carried out strictly in accordance with the details shown on the approved plans before the dwellings hereby permitted are first occupied and then maintained in such a state thereafter. Visitor spaces shall be kept available for use by all.

Reason: In the interests of highway safety.

11 No unit shall be occupied until the refuse storage area and bicycle storage areas have been completed in accordance with the approved details. These areas shall be retained in the approved manner in perpetuity.

Reason: To ensure that adequate refuse and cycle storage facilities are provided in the interests of residential amenities.

General conditions

12 Finished Floor Levels must be set at 10.25 metres Above Ordnance Datum (AOD).

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

NOTE TO APPLICANT

01 This decision relates to plan Nos: A111 Revision B, A115, A114, A116, A117 and A118, Flood Consequence Assessment, Reptile Survey.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP13, GP1, GP2, GP3, GP4, GP5, GP6, GP7, H1, H2, H3, H4 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 Prior to the commencement of the development hereby approved, the developer should contact the Council's Spatial Data Unit on 01633 233263 regarding street naming and numbering.

06 To protect the amenities of existing residents, attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities -

(i) no construction work involving piling shall be carried out on the site other than between the hours of 08.00 and 17.00 Mondays to Fridays and no construction work involving piling shall be carried out on Saturdays, Sundays or Bank Holidays, where it would create noise audible at the boundary of any residential property.

(ii) Any construction work which does not involve piling shall not be carried out other than between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays, where it would create noise audible at the boundary of any residential property.

07 The applicant is advised to consider the flooding risks and to prepare for flooding. It is recommended that a flood emergency plan is prepared in order to enable this.

APPLICATION DETAILS

No: 15/0489 **Ward:** GAER
Type: FULL
Expiry Date: 08-JUL-2015
Applicant: G DRAPER, NEWPORT CITY COUNCIL
Site: GAER JUNIOR SCHOOL, GAER ROAD, NEWPORT, GWENT, NP20 3GY
Proposal: RETENTION OF EXTERNAL CANOPY FOR OUTDOOR PLAY
Recommendation: GRANTED

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the retention of an external canopy for the purposes of outdoor play at Gaer Junior School. The canopy is located on the north west elevation and is provided as part of the school improvements and as part of the Infant and Junior School amalgamation.
- 1.2 Gaer Junior School is a grade II listed building. Following discussions with the Council's Historic Buildings and Conservation Officer the design of the canopy has been amended and is now a free standing structure and not attached to the building, as such a listed building consent application is not required.

2. RELEVANT SITE HISTORY

14/0723	PROVISION OF EARLY YEARS ACCOMMODATION AS STAND ALONE BLOCK, COMPRISING TWO YEAR 1 CLASSES, TWO RECEPTION YEAR CLASSES, ONE NURSERY CLASS, ALL WITH ASSOCIATED ANCILLARY ACCOMMODATION, SECURE HARD PLAY AND LANDSCAPE AREAS	Granted with conditions
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3. POLICY CONTEXT

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

Policy SP1 (Sustainability) favours proposals which make a positive contribution to sustainable development. Criterion (vii) requires improvement of facilities, services and overall social and environmental equality of existing and future communities.

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

Policy 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.

Policy 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 None

5. INTERNAL COUNCIL ADVICE

5.1 HISTORIC BUILDINGS AND CONSERVATION OFFICER: Whilst the canopy has been reduced in scale, it does not appear that there has been any attempt to address my previous comments, which were as follows:

5.1.1 *Gaer Junior School is grade II listed as “an exceptionally well-preserved primary school, the centrepiece of the contemporary Gaer Estate, the whole ensemble being among the best post-War residential developments in Britain. Gaer School is an important example of early post-War school design, being a clear example of corridor-based planning, and is highly expressive of the architectural ideals of its time, recognised by its gaining prizes, including the Festival of Britain award of merit.” [Cadw List Description, 1999].*

5.1.2 *The proposed canopy forms part of a wider package of works which are to be considered under listed building consent application 15/0490 by Welsh Government Planning Division. Following communication from the agent relating to potential changes to the windows (which form part of the listed building consent application), I am attending a site meeting which is being held on Friday 3rd July with a Cadw Officer, and it is possible that the designs for the canopy will be discussed at this meeting.*

5.1.3 *At pre-application stage, I had a site meeting with the agent in relation to initial plans. Following revisions, I made the following comments in relation to the wider scheme within an email dated 28th April: “The amendments seem to have addressed the majority of my initial concerns, though clear justification for the works will need to be supplied in order to give any application proper consideration. My biggest concern is that the shallow pitched roof to the canopy does not seem to relate well to the flat roofed forms of the original building. This is one area where particularly strong justification would need to be supplied, along with an analysis of why alternative design solutions (such as a separate structure) are not possible.”*

5.1.4 *The submitted Design and Access Statement says little about the design of the canopy, other than that it has been designed to complement the existing fenestration, strong structural grid, eaves height and detailing. However, it is difficult to see how the form and detailing of the canopy would complement the strong architectural form of the host building. As such, even though the canopy would be located on a secondary elevation, I find it difficult to support the application as it stands.*

5.1.5 As such, I remain unable to support this application.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties with a common boundary with the application site were consulted (163 properties), a site notice displayed and a press notice published in South Wales Argus. No responses were received.

7. ASSESSMENT

7.1 The proposed canopy measures 13.4m in length, 3.6m in depth and has a maximum height of 2.9m with a mono pitched roof. It has a laminated glass roof supported by white aluminium posts with white UPVC guttering and downpipes.

7.2 The proposed canopy would be located well away from any neighbouring properties and would not result in any loss of privacy or amenity to those occupiers.

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

- 7.4 There has been some discussion with the Council's Historic Buildings and Conservation Officer and the canopy as built has been amended from the original design. However, the Historic Buildings and Conservation Officer still objects to the design of the canopy as set out in paragraph 5.1.
- 7.5 The comments of the Historic Buildings and Conservation Officer are noted however, the canopy is a free standing structure which is a temporary fixture, in the sense that it could be easily removed without impacting on the integrity of the fabric of the listed building. It is also an open structure which only marginally obscured views of the school by its shallow pitched roof. Furthermore the canopy is located to the rear of the school and is not readily visible from the streetscene and therefore it is considered that its impact is limited. It is considered that any negative impact of the proposed canopy are outweighed by the improvements to the school and its pupils.

8. OTHER CONSIDERATIONS

8.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

8.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

8.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

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

9. CONCLUSION

9.1 The proposed development is considered to be acceptable and in accordance with Policies SP1, SP9, GP2 and GP6 of the Newport Local Development Plan 2011-2026. It is recommended that planning permission is granted.

10. RECOMMENDATION

GRANTED

NOTE TO APPLICANT

01 The development shall be implemented in accordance with the following plans and documents: 15-3-1456-NPS-BB-XX-DR-A (04) 111 rev P1, 112 rev P1, 114 rev P3, 115, BA-XX-DR-L (90) 800 rev P3, BB-GF-DR-A (02) 037 rev P3, (27) 280 rev P3 and (27) 282 rev P3.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, GP2 and GP6 were relevant to the determination of this application.

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

APPLICATION DETAILS

No: 15/1228 Ward: MARSHFIELD

Type: FULL (MAJOR)

Expiry Date: 17-JAN-2016

Applicant: TREMORFA LTD

Site: ST MELLONS COUNTRY HOTEL & COUNTRY CLUB, NEWPORT ROAD, CARDIFF, CF3 2XR

Proposal: PROPOSED ALTERATIONS AND EXTENSION OF HOTEL TO INCLUDE NEW CONFERENCE CENTRE AND HOTEL FACILITIES, 18NO. HOLIDAY CHALETS, ACCESS AND PARKING (AFFECTING PUBLIC RIGHT OF WAY 399/13)

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

1.1 This application seeks full planning permission for alterations and a significant extension to St Mellons Country Hotel and Club. The alterations and extensions would include a conference centre, function rooms, 50 No. new bedrooms, 18 No. self catering log cabins (replacing 20 No. existing chalets) and parking. The hotel is located to the west of Castleton outside of the Settlement Boundary for Newport. The site is 3.1 hectares. The application site is located within Countryside, Green Belt as designated by the adopted Local Development Plan. In addition there is a Public Right of Way running through the site.

2. RELEVANT SITE HISTORY

95/1014	CONSTRUCTION OF SWIMMING POOL AND ENTRANCE PORCH EXTENSION WITH LEISURE FACILITIES	Granted conditions	with
97/0881	ERECTION OF EXTENSION TO PROVIDE 39 BEDROOMS AND NEW RESTAURANT	Granted conditions	with
04/0185	ERECTION OF EXTENSION TO HOTEL AND IMPROVED ACCESS FOR DISABLED	Granted conditions	with
15/0266	PROPOSED EXTENSION AND ALTERATIONS TO THE ST MELLONS COUNTRY CLUB & HOTEL	Granted conditions	with

3. POLICY CONTEXT

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

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

Policy **SP2 Health** promotes development which has a positive contribution to health and well-being by being in a sustainable location, close to walking/cycling routes and green infrastructure.

Policy **SP5 Countryside** limits development outside of the settlement boundary.

Policy **SP6 Green Belt** restricts development that impacts on the openness of the Green Belt between Cardiff and Newport.

Policy **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.

Policy **SP12 Community Facilities** promotes development of new community facilities such as places of worship, cemeteries, health centres, nurseries, museums, public halls, cinemas, concert halls, allotments, leisure use etc. Development that affects existing community facilities should be designed to retain or enhance essential facilities.

Policy **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.

Policy **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.

Policy **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.

Policy **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.

Policy **GP7 General Development Principles – Environmental Protection and Public Health** states that development will not be permitted which would cause or result in unacceptable harm to health.

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

Policy **CF8 Tourism** promotes tourism related development particularly where regeneration objectives will be complemented.

4. CONSULTATIONS

- 4.1 WORK BASED LEARNING ACADEMY: No response.
- 4.2 WALES AND WEST UTILITIES: Advise of apparatus in the area.
- 4.3 SOUTH WALES FIRE AND RESCUE SERVICE: No response.
- 4.4 REGIONAL AMBULANCE OFFICER: No response.
- 4.5 NEWPORT ACCESS GROUP: No response.
- 4.6 HEDDLU – GWENT POLICE (ARCITECTURAL LIAISON): No objection.
- 4.7 HEDDLU – GWENT POLICE (TRAFFIC): There are three access points to the establishment two of which are off and on to the A48. The A48 is a single carriageway road made up of four lanes two eastbound and two westbound, it is subject to a fifty miles per hour speed limit with visibility of the eastern access point near premises called Silverstone in particular is very restricted to enter or leave the four lane road. I have checked the personal injury collision record for these junctions for the last five years and there are no recorded collisions, the currently busier junction is Castleton with the A48 having a number

of recorded collisions and I feel with this extension and conference centre these two junctions should be subject to a prohibition of right turns onto the A48 so making drivers turn left and return via the nearby roundabout at St Mellons on the A48.

- 4.7.1 Advertising and tourist signs should be removed from close to the junctions on the A48 and drivers encouraged to access the development via Cypress Drive, a dual carriageway type road with mobile speed camera enforcement signs and Pascall Close, these are both thirty miles per hour roads. These roads are within the South Wales Police area should you wish any further comment.
- 4.7.2 The development of this site will lead to additional vehicle movements, the **A48 should not** be seen as a main access and egress point.
- 4.7 DWR CYMRU – WELSH WATER: No response.
- 4.8 CARDIFF CITY COUNCIL: Newport Council's attention is drawn to the highway improvements required in association with 13/01172/DCO – namely, in addition to the provision of 2 new bus stops on either side of Newport Road, the provision of a toucan crossing to assist the passage of pedestrians across Newport Road to/from the bus stop on its far side. These facilities (though not yet implemented) would also improve the accessibility to the proposed development St Mellons Country Club.
- 4.8.1 13/01172/DCO also entails the provision of a 3 metre wide footway/cycleway along the Newport Road frontage of the site. It is therefore recommended that Newport City Council also include a similar requirement in association with the current application with a view to the improvement of cycle facilities, and also its potential extension further eastwards in the future. The Council will be aware of the proposed Newport/Cardiff Cycle Route which both Authorities are currently working on and which will run to the east of the Country Club. It is therefore also recommended that the current application be required to include the provision of a cycle link between the aforementioned Newport Road frontage footway/cycleway and the proposed Newport/Cardiff Cycle Route.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (TREE OFFICER): Objection as no tree information has been submitted in accordance with BS5837;2012 (especially in relation to the positioning of the new chalets).
- 5.2 HEAD OF PEOPLE AND TRANSFORMATION (TOURISM): This product in principle is to be supported from the visitor economy point of view . This will raise the standard of what is currently there in terms of offer. It is aimed at the high yield conference market, or upper end leisure markets, which is a target market for Newport. By the new ' size of area' to be developed for the hotels rooms and conference centre this would imply an increase in employment and number of FTE jobs, though the application does not seem to give any figures, perhaps waiting for the full final product to be developed. There is potential to be better package with the Golf Club adjacent. We would encourage the product to aim to a high standard, at least 4 star, to be successful in this market.
- 5.3 HEAD OF STREETSCENE AND CITY SERVICES (PUBLIC RIGHTS OF WAY): As the proposed works seem to have little or no effect on the PROW, no objection to this planning application being approved.

However, the following points should be noted:

1. All PROW's (as shown on the Definitive Map) must remain completely unobstructed and are required to be clear and available for safe public use at all times (including during construction works – unless a temporary closure/diversion order is applied for and granted beforehand);
2. The PROW users must not be endangered or disadvantaged in any way by the proposals (during construction works and following completion);

3. The fabric of the PROW must not be adversely affected in any way;
 4. PROW users must be protected from any vehicles/machinery/plant associated with the works. The potential conflict should be risk assessed and managed accordingly.
- 5.4 HEAD OF LAW AND REGULATION (ENV. HEALTH): No objection.
 - 5.5 PLANNING POLICY MANAGER: The Planning Policy Team would support the principle of the proposed application. Nonetheless there are concerns over the quality of the design in terms of the schemes sensitivity in terms of context to scale and form.
 - 5.6 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPE): No objections in principle, but shall require a fully detailed landscape plan to be submitted.
 - 5.7 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): *Following the submission of a plan to provide access improvements to the junction with the A48.* The proposed amendments will alleviate the risk of conflict at the junction which will provide a sufficient improvement as required due to the intensification of use.
 - 5.7.1 “No right turn” is not enforceable with a traffic order as the lane doesn’t form part of the adopted highway. I would have no objection to the applicant putting in any signage or road markings on private land however they cannot encroach into the adopted highway as shown.
 - 5.7.2 Should the application be approved then the applicant will need to contact Streetscene to facilitate a S278/111 agreement for the works within the adopted highway.
 - 5.7.3 The plan doesn’t seem to show the location of the existing sign however this will need to be relocated outside of the visibility splay.
 - 5.8 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): No objection. A bat survey has been undertaken and no bats were recorded emerging from the property and very little bat activity was recorded around the site.
 - 5.8.1 I would recommend the following:
 - 1 - An ecologist will be required to provide a ‘tool box talk’ to the contractors and will be a named point of contact for the contractor under taking the work in the unlikely event that bats are found during the construction works. Details of this person will need to be sent to the NCC Ecology Officer and this person will be required to provide regular updates regarding the works;
 - 2 - 6 bat boxes will need to be erected around the site. These will need to be decided by the appointed ecologist and agreed with myself;
 - 3 - Consideration to lighting around the hotel. Is this to be replaced? If yes I would recommend that ‘bat friendly’ lighting should be used to minimise impact on bats.
 - 5.9 HEAD OF STREETSCENE AND CITY SERVICES (DRAINAGE): No response.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: For an application of this type all properties within 100m of the application site would be consulted however, there are no properties within this distance. A site notice was displayed and a press notice published in South Wales Argus. 2 representations were received raising the following concerns:
 - The proposal will have a great impact on the houses on the A48 opposite this turning as well as the general increase in safety hazards caused by traffic turning right from St. Mellons roundabout into the Hotel and traffic turning right out of the hotel entrance;
 - The turn is on a blind hill and traffic coming from Newport are unable to see traffic wrongly turning right into the hotel or traffic wrongly turning right out of the hotel entrance;

- The entrance is not obvious, given that hedge cutting is neglected on the hotel side of the road to obscure the entrance, there are few warning signs that it is imminent. From St. Mellons roundabout the sign saying no right turn into the entrance is obscured by branches that haven't been correctly cut back as is the 22 deaths warning sign;
- The bus stop going to Cardiff nearest to the entrance on the A48 is buried in undergrowth and no shelter or bus times are provided for visitors and residents;
- There is great difficulty for pedestrians crossing four lanes of traffic to get to the bus stop for Newport on the other side;
- The No 30 bus service is rarely on time;
- The last No. 30 bus at night sometimes does not even arrive putting peoples safety at risk;
- Pathways are extremely narrow as are overgrown and appear and disappear, especially on route to the new garden centre which is popular with pedestrians. The 'bridge' type walkway by the Seoul House Restaurant is totally inaccessible and has been allowed to be overgrown for at least the past 3 years. This is there to keep pedestrians away from the side of the road;
- Tyla Lane sign post which is the first landmark for drivers, who are looking for the entrance is barely readable and needs replacing;
- The lane from the A48 (with no name for emergency services) into the hotel grounds has not been maintained and is full of pot holes and not wide enough for two lane traffic which is bound to increase, especially service traffic for catering and event purposes. It is my understanding that the hotel does not own all of the lane. There is a dangerous pond on one side with no warning signs to pedestrians with children, only visible when the foliage has died back. A bend warning sign is broken. This should be "entrance only" other than for the access of home owners of the properties on either side;
- Vaendre Lane is the best exit for the hotel, however this is too narrow for two lanes of traffic. The sign warning of the 50 speed limit to join the A48 has been faded almost to extinction and then dropped off the pole and although workmen replaced some tarmac in the lane the sign has still not been replaced. The new tarmac has left a flooded area too. There has recently been a fatal accident at the junction of this lane and the A48;
- There are no speed restrictions in these lanes and some travel at dangerous speeds for the type of road and lack of visibility;
- The St. Mellons roundabout is also congested. There are no signs at this roundabout for Castleton or St. Mellons Hotel;
- I have only resided here for under 3 years and within a month was phoning emergency services about an accident and then within a week there were further accidents. I frequently hear horns blaring where near misses have occurred;
- Traffic exceeds 50mph;
- Many large lorries turn into St. Mellons hotel for catering services which would increase if conferences were to increase;
- Gypsies/Travellers from the area drive horses and carts at great speed yet far slower than the rest of the speeding traffic and once over the hill cannot be seen thus preventing traffic from knowing they need to slow down before they are upon them. This also applies to cyclists, especially those with inadequate lighting and visible clothing;
- It is within the Green Belt and excessive in respect of its proposed size;
- It is not in keeping nor sympathetic to the surround;
- Contradictory statements regarding increased parking but no corresponding increase in useage;
- The application form appears to have been poorly completed with insufficient information;
- Complete absence of any provision for the generation of renewable energy via roof mounted photo-voltaic arrays.

6.2 MARSHFIELD COMMUNITY COUNCIL: We consider that Newport would benefit from improved accommodation and conference facilities and supports the application in principle. The Country Club is situated within the Green Belt. However, although we note

that NCC has already indicated that it does comply with LDP policy SP6, we wish to emphasise the need to stay in strict alignment with the policy. The Design and Access Statement makes no statement about energy efficiency in the design. We particularly note the absence of any reference to BREEAM or use of solar energy from roof panels. The Council notes the statement at para 4.14 about car-borne access but completely disagrees with the very dismissive statements about access off the A48 and ease of access from buses. We provide the following comments on this:

- The development will have a £1+m price tag and yet para 4.14 states that it will generate very little new traffic. This does not appear to make commercial sense. We consider that preparation of a traffic impact statement is essential and hereby request sight of it.
- The existing access onto the A48 has very substandard visibility splays and no deceleration splay despite connecting with a fast 4-lane road. This road is busy throughout the day and, although most traffic stays at or close to 50mph, there is a very significant proportion that travels at speeds much in excess of 50mph. The advisory left turn out and mandatory NRT in are currently widely ignored. This junction already represents an appreciable road safety hazard and this will be exacerbated by the inevitable increase in use after development. Many users will come from outside the area and hence will be unfamiliar with the road layout. There was a fairly recent fatal accident at the Vaendre Road junction only 400m away, where A48 visibility is better than at the hotel/golf club junction. We consider that improvements to visibility and a full ghost island right turn lane should be facilitated at the existing hotel access through a Section 278 Agreement, Highways Act 1980. This would improve road safety for turning traffic and have the added benefit of potentially slowing down excessively fast traffic through the white line areas.
- Access for bus passengers using the 30 service from Cardiff to Newport requires crossing the 4 lanes of speeding traffic. More consideration and detail needs to be supplied in relation to access by public transport.

7. ASSESSMENT

- 7.1 The St Mellons Hotel and Golf Club is a complex consisting of two separate areas. The golf club is located to the south and does not form part of the application site. The hotel building has two distinct characters. The front portion of the hotel is the original country house which is an attractive building with architectural merit. The rear portion consists of a number of later additions and extensions which appear adhoc and do little to compliment the character of the original house. This application is the second phase of proposals for the hotel building. The first phase was granted under application 15/0266 and included an extension and alterations concentrated around the southern elevation of the hotel building. This second phase proposes a more substantial extension and alterations around the northern elevation of the building. The two phases consist of a comprehensive redevelopment and upgrading of the hotel complex.
- 7.2 This application proposes the demolition of function rooms, bar area, offices and laundry rooms contained within a series of adhoc extensions ranging from single storey buildings to a three storey building which currently sits behind the front portion of the hotel. A three storey extension is proposed in their place and extending to the north west where there is a hardstanding currently. The new extension would provide two function rooms with associated bars, toilets and kitchens; and two conference rooms on the ground floor. Office accommodation associated with the hotel and hotel rooms are proposed on the first floor and further hotel rooms on the second floor (50 new hotel rooms in total). The proposed extension would also include outside covered seating terraces serving the function rooms. It is also proposed to demolish 20 chalets contained within 3 single storey blocks to the north of the hotel building. It is proposed to construct 18 individual log cabin buildings partially covering the area where the existing chalets currently stand and also extending further north into a lawn area. 99 car parking spaces are proposed within the grounds, a drop off arrangement in front of the new hotel entrance and landscaping throughout the grounds. It is also proposed to provide improvements to the access onto the A48.

- 7.3 Policies SP5 (Countryside), SP6 (Green Belt), SP9 (Conservation of the Natural, Historic and Built Environment), SP12 (Community Facilities), GP2 (General Amenity), GP4 (Highways and Accessibility), GP5 (Natural Environment), GP6 (Quality of Design), T4 (Parking) and CF8 (Tourism) of the Newport Local Development Plan 2011-2026 are relevant to the determination of this application.
- 7.4 Policy CF8 states that new and improved tourism related developments, including hotel and other visitor accommodation, conference and exhibition facilities, heritage interpretation facilities, rural tourism and activity tourism in the countryside will be permitted, particularly where regeneration objectives will be complemented.
- 7.5 This policy provides support for the type of development proposed. However, the proposed development is in the Countryside and Green Belt and so the principle of the proposed development should only be considered acceptable if the requirements of Policies SP5 and SP6, and national planning policy are satisfied.
- 7.6 **Countryside and Green Belt**
Policy SP5 states that development in the countryside will only be permitted where the use is appropriate in the countryside, respects the landscape character and biodiversity of the immediate and surrounding area and is appropriate in scale and design.
- 7.6.1 Policy SP6 states that development which prejudices the open nature of the land will not be permitted.
- 7.6.2 Paragraph 4.8.16 of Planning Policy Wales (Edition 8, January 2016) states that the construction of new buildings in a Green Belt is inappropriate development unless it is for the following:
- Justified rural enterprise needs;
 - Essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purpose of including land within it;
 - Limited extension, alteration or replacement of existing dwellings;
 - Limited infilling (in those settlements and other development sites which have been identified for limited infilling in the development plan) and affordable housing for local needs under development plan policies; or
 - Small scale diversification within farm complexes where this is run as part of the farm business.
- 7.6.3 Paragraph 4.8.17 states that other forms of development would be inappropriate development unless they maintain the openness of the Green Belt or green wedge and do not conflict with the purposes of including land within it.
- 7.6.4 The proposed development involves the extension to a complex of hotel buildings, some of which will be demolished to allow for the proposed extensions, as such it is already a developed site. The proposed extension would provide an increase in the overall mass of the hotel complex and it does have a modern appearance however, the objective of the local and national planning policies is to protect the open nature of the countryside/green belt, and in this case the application site is particularly well screened by mature trees and vegetation. As such it is difficult to find views of the hotel complex in the wider context however, a public right of way runs directly through the site so views would be possible from this vantage point. Notwithstanding this, the proposed extension and alterations would replace a number of poor quality buildings which undermine what could be an attractive environment. It is considered that the proposed development, in its holistic approach would provide a more pleasing environment which would provide an overall enhancement to the area. It is also considered that the proposed extensions would be read as part of the hotel complex and not part of the open countryside and therefore it is considered that the proposed extension would not prejudice the open nature of the surrounding countryside.
- 7.6.5 In terms of the replacement log cabins, these buildings would replace existing structures and there would be less accommodation than currently exists. Whilst the proposed log cabins would encroach into the north eastern portion of the site, this area is currently a manicured garden area which is read as part of the chalet complex. It is considered that

this area is viewed as part of the hotel complex and not part of the open countryside. Furthermore the design of the log cabins is considered to respect the character of the countryside.

7.7 Design

Policy GP6 states that good quality design will be sought in all forms of development. The aim is to create a safe, accessible, attractive and convenient environment.

7.7.1 The proposed extension has a modern appearance and is distinctively different from the older original country house. It follows the same design approach as the extension and alterations previously approved on the southern elevation of the building. The proposed development would therefore read as a comprehensive scheme of a modern refurbishment set behind the original country house. The two different characters can be read along side each other and the overall scheme would remove the low quality adhoc later extensions which do little to enhance the appearance of the hotel complex. It is considered that the proposed extension and alterations would provide needed improvements to the existing facilities. The proposals are considered to be of good quality and whilst modern would not harmfully detract from the original building.

7.7.2 The proposed log cabins are considered to be of good quality design and appropriate in a wider countryside setting. The buildings would replace old fashioned and tired looking chalet buildings which would help enhance the overall appearance of the hotel complex.

7.7.3 Although specific details have not been provided extensive landscaping is proposed around the log cabins and proposed car parking areas. This is considered to add to the quality of the overall scheme. The precise details of planting can be secured through a condition and the Council's Landscape Officer has no objection on this basis.

7.8 Protected Species

Criteria (i) and (ii) of Policy GP5 states that development will be permitted where:

- i) the proposals are designed and managed to protect and encourage biodiversity and ecological connectivity, including through the incorporation of new features on or off site to further the UK, Welsh and/or Newport Biodiversity Action Plans;
- ii) the proposals demonstrate how they avoid, or mitigate and compensate negative impacts to biodiversity, ensuring that there are no significant adverse effects on areas of nature conservation interest including International, European, National, Welsh Section 42 and local protected habitats and species, and protecting features of importance for ecology.

7.8.1 The applicant has submitted a bat survey of the entire site. In terms of the buildings affected by this proposal the bat survey concludes that they either have low or negligible potential for roosting bats. No bats were recorded emerging from the property and very little bat activity was recorded around the site. The Council's Ecology Officer is satisfied with the survey undertaken but recommends that an ecologist provides a "tool box talk" to contractors and is available should bats be found during construction works, 6 bat boxes be erected around the site and if any new lighting is proposed then "bat friendly" lighting be provided. Conditions regarding bat boxes and details of any new lighting are imposed. However, it is not considered necessary to impose a condition relating to the appointment of an ecologist as the bat survey has not identified any bats emerging from buildings and little in the way of activity around the site. Should bats be discovered during demolition and construction works then it would be an offence under the Wildlife and Countryside Act 1981 to kill, injure or take away protected species such as bats. An informative is added to alert the applicant to this.

7.9 Highways

Criteria (iv), (v) and (vii) of Policy GP4 states that development proposals should:

- iv) make adequate provision for car parking and cycle storage;
- v) provide suitable and safe access arrangements;
- vii) ensure that development would not be detrimental to highway or pedestrian safety or result in traffic generation exceeding the capacity of the highway network.

- 7.9.1 The Council's Highways Engineer has commented that the access to the hotel and golf club from the A48 is extremely poor and sub-standard. Visibility is severely limited by the hedgerow for both vehicles leaving the lane and also vehicles accessing the lane from the A48. Vehicles also have to drastically reduce speed to use the existing access and potentially stop when a vehicles is leaving the site due to the limited access width increasing the likelihood of vehicle conflict and obstruction on the A48. Any increased traffic movements at this junction are considered to be detrimental to highway safety and would not be acceptable. Increased vehicle movements would only be considered if visibility could be significantly improved and a more formal junction arrangement was provided.
- 7.9.2 There has been discussion between the applicant and the Council's Highways Engineer regarding improvements to the junction. As a result the applicant has submitted proposals to reinstate the private carriageway leading up to the junction through the cutting back of vegetation overgrowth and widening the hardsurface. It is also proposed to remove some of the existing pavement on the A48 to widen the junction, demarcate the carriageways and mark out "no right turn" on the road. The junction widening works would take place within the adopted highway and such a S278/111 agreement would be required to undertake the works. The reinstatement of the carriageway within the lane is land under the control of the applicant so no further agreements would be necessary.
- 7.9.3 The Council's Highways Engineer is satisfied that the proposal would alleviate the risk of conflict at the junction and sufficient improvement would be provided to mitigate the intensification of use. He has advised that "no right turn" is not enforceable with a traffic order as the lane is not part of the adopted highway but there is no objection to putting any signage or road markings on private land providing they do not encroach into the adopted highway. It is also noted that the proposals do not show the location of an existing sign currently positioned on the south west side of the junction. This sign would need to be relocated outside of the visibility splay; its removal can be secured through a condition. The applicant is also advised through an informative that separate advertisement consent may be required for any relocated signage.
- 7.9.4 As the proposals would involve cutting back some vegetation the Council's Ecology Officer has been consulted. She has advised that there is no objection to the proposals as it would be mainly scrub vegetation affected and no trees removed. She has not witnessed any bird nesting however as a precautionary approach it is recommended that work takes place outside of the bird nesting season and should any works need to take place during the season then a suitably qualified ecologist check for nests prior to the commencement of work. Under the Wildlife and Countryside Act 1981 it is an offence to kill, injure or take away the nest of any wild bird. As such an informative is added to alert the applicant to this.
- 7.9.5 In terms of the visual impact of cutting back the vegetation the lane is located off the A48 and therefore the impact of the vegetation loss would be limited within the wider streetscene. Other vegetation would remain behind the narrow strips to be cut back and as such it is not considered that it would result in an overly urbanising impact.
- 7.9.6 In terms of the parking requirements the Council's Highways Engineer requested that the applicant show how the existing and proposed parking generation has been determined. The applicant has submitted a Transport Statement which provides forecast trip rates and assesses the observed number of cars parked using the existing hotel facilities during a site visit. This assessment has generated a demand for 99 parking spaces which would be provided within the grounds of the hotel. This is considered to be acceptable.
- 7.9.7 Cardiff City Council has commented that highway improvements in association with an outline planning permission for residential development at Springfield Gardens which is further south along the A48 have been secured (although not yet implemented). These include the provision of two new bus stops on either side of Newport Road and the provision of a toucan crossing to assist pedestrians across Newport Road. The Council suggest that these improvements, if implemented, would improve accessibility to this proposed development.

- 7.9.8 The Council also note that the above Outline planning permission includes the provision of a 3 metre wide footway/cycleway along the A48 frontage of the site. The Council recommend that a similar requirement in association with the current application with a view to the improvement of cycle facilities, and also its potential extension further eastwards in the future. The applicant has not been asked to provide financial contribution towards such improvements and it is noted that the applicant does not anticipate a large volume of pedestrian or non vehicle based movements. This assumption is unsubstantiated however, whilst the proposed cycle link would be desirable it is not considered that its absence would make the proposed development unacceptable. On balance the much needed investment into the hotel complex would improve the offer of such facilities available within the City and those benefits are considered to outweigh the absence of the short stretch of cycleway.
- 7.9.9 A number of concerns have been raised from local residents regarding the visibility and general safety of vehicles turning right from the A48 access junction, or using the access in general. It is considered that the improvements proposed would satisfy those concerns.
- 7.9.10 Concerns have also been raised about the condition of an existing bus stop and its service on the A48, the condition of existing pathways along the A48, the condition of existing highway signage on the A48, general concerns about highway safety on the A48 and congestion on the St Mellons roundabout. All of these matters fall outside the scope of this application and as such are not a consideration for this application.
- 7.9.11 Concern has also been raised about the condition and safety of the lane leading to the hotel from the A48. The Council's Highway Engineer has not raised this as a concern and given that the lane is in private ownership it would be for the applicant to ensure the safety of its users.
- 7.10 **Trees**
The proposed development would involve the construction of log cabins in an area where trees are present around the periphery. The Council's Tree Officer has asked the submission of tree information which has been provided by the applicant. The Arboriculturalist Report has identified that a number of trees would be felled as a result of the proposed development. They include 4 trees which are categorised as in a condition whereby any existing value would be lost in 10 years, 2 trees which have moderate value and 2 trees which have low quality. The report also identifies a number of trees with construction within the root protection areas and some trees which would be affected by demolition. The report notes that where construction would be within the root protection area it's impact could be lessened by alternative construction and foundation methods. A number of trees would also require crown lifting and reduction of heavy and damaged limbs which would overhang the proposed log cabins. The Tree Officer has not provided further comments and in the absence of advice to the contrary the content of the Arboriculturalist Report is considered to be acceptable subject to conditions requiring implementation of root protection barriers, an arboricultural method statement and the appointment of arboriculturalist.
- 7.11 **Amenity**
The nearest residential property to the application site is around 200m away. It is not considered that the proposals would result in any harmful impacts on residential amenity. As the hotel complex is well screened from public vantage points it is not considered to be detrimental to the visual amenity of nearby properties.
- 7.12 **Other matters**
Concerns have been raised that the proposed development does not include any proposals for renewable energy such as photo voltaic panels or any reference to BREEAM. Whilst these measures are desirable it is now the role of Building Regulations to regulate energy efficiency within new buildings.
- 7.12.1 Whilst Welsh Water has not commented on the application it is noted that the applicant intends to discharge surface water drainage into the public sewerage system. It is recognised that the standard position of Welsh Water is to direct surface water and land drainage to more sustainable methods of drainage to avoid overloading the public drainage

system. As such it is considered necessary to require details of surface water drainage via a condition.

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 proposed development is considered to be acceptable and in accordance with Policies SP5, SP6, SP9, SP12, GP2, GP4, GP5, GP6, T4 and CF8 of the Newport Local Development Plan. It is recommended that planning permission is granted with conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01The development shall be implemented in accordance with the following plans and documents: AL(10)01 rev C, AL(10)02 rev E, AL(10)03 rev E, AL(10)115, AL(01)04, AL(00)02 rev B, AL(00)03, AL(00)100, AL(00)101, AL(00)102, AL(90)102, Arboricultural Impact Assessment Plan (Cardiff Treescape, February 2016), Tree Constraints Plan (Cardiff Treescape, February 2016) and Arboricultural Report (Cardiff Treescape, February 2016).

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 operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until the Root Protection Barrier fencing has been installed in accordance with the approved Arboriculturalist Report. No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area. The fencing shall be retained for the full duration of the development, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To protect important landscape features within the site.

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

- (a) Timing and phasing of arboricultural works in relation to the approved development;
- (b) Construction exclusion zones;
- (c) Protective barrier fencing;
- (d) Ground protection;
- (e) Service positions;
- (f) Special engineering requirements including 'no dig construction' onto load bearing surfaces and how increases in ground level are to be mitigated via use of venting pipes.

The development shall be carried out in full compliance with the Arboricultural Method Statement unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect important landscape features within the site.

04 No development, to include demolition, shall commence until an Arboriculturalist has been appointed, as first agreed in writing by the Local Planning Authority, to oversee the project (to perform a Watching Brief) for the duration of the development and who shall be responsible for –

- (a) Supervision and monitoring of the approved Tree Protection Plan;
- (b) Supervision and monitoring of the approved tree felling and pruning works;
- (c) Supervision of the alteration or temporary removal of any Barrier Fencing;
- (d) Oversee working within any Root Protection Area;
- (e) Reporting to the Local Planning Authority;
- (f) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Council's Tree Officer.

Reason: To protect important landscape features within the site.

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

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

06 Prior to the commencement of development a drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development. Reason: To protect the health and safety of existing and future residents and to ensure no pollution or detriment to the environment.

07 Before the development, other than demolition, 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.

Pre – installation conditions

08 Prior to the installation of any lighting full details of the lighting, to include location and orientation of lighting, shall be submitted to and approved in writing by the Local Planning Authority and then implemented as per the approved details.

Reason: To ensure light spill is limited in the interests of bat activity.

Pre –occupation conditions

09 Prior to the beneficial use of the approved scheme six bat boxes shall be erected on trees around the golf course in accordance with details which shall either first be submitted to and approved in writing by the Local Planning Authority or in accordance with details approved in pursuant of condition 3 of planning permission 15/0266 whichever is the earliest. The bat boxes shall be retained thereafter.

Reason: To provide ecological enhancement.

10 Prior to the beneficial use of the approved scheme the signage on the south western side of the junction with the A48 shall be removed.

Reason: In the interests of highway safety.

11 Prior to the beneficial use of the approved scheme the improvement works to the junction with the A48 shall be fully implemented in accordance with drawing AL(90)102 and retained as such thereafter.

Reason: In the interests of highway safety.

12 Prior to the beneficial use of the approved scheme the parking spaces shall be provided and surfaced as indicated on the plan(s) hereby approved. Thereafter, these areas shall be kept available for those purposes at all times.

Reason: In the interests of highway safety.

NOTE TO APPLICANT

01 This decision also relates to: Design and Access Statement (C2J), Bat Survey report (Ethos, September 2015), Transport Statement (Vectos, September 2015) and Technical note in response to highways comments received 8.2.2016 (Vectos)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP5, SP6, SP9, SP12, GP2, GP4, GP5, GP6, T4 and CF8 were relevant to the determination of this application.

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

04 The amended Wildlife and Countryside Act 1981 protects bird species whilst nesting in the UK. This protection extends to a bird, its nest, eggs, and young until such time as the young have fledged. Vegetation clearance should proceed outside the peak bird-breeding season (generally considered to be March through August inclusive) or within the breeding season only if a pre-clearance survey shows no

breeding birds to be present, nesting or commencing nesting within the vegetation to be affected.

05 The applicant is alerted to their responsibilities under the amended Wildlife and Countryside Act 1981 should any bats or their roosts be discovered during any demolition and/or construction works.

06 The applicant may require Advertisement Consent for any relocated signage.

APPLICATION DETAILS

No: 15/1232 **Ward:** *ROGERSTONE*

Type: FULL (MAJOR)

Expiry Date: 28-JUL-2016

Applicant: *CHARTER HOUSING ASSOCIATION LTD*

Site: *LAND TO REAR OF 146 TO 196, TREGWILYM ROAD, ROGERSTONE, NEWPORT*

Proposal: *CONSTRUCTION OF 29NO. RESIDENTIAL AFFORDABLE DWELLINGS AND ASSOCIATED WORKS*

Recommendation: **GRANTED WITH CONDITIONS AND 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**

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the construction of 29 No. affordable dwellings and associated works on land which is to the rear of properties 146 to 196 Tregwilym Road. The land is currently open space but has no designation within the Local Development Plan.
- 1.2 A new access would be created off Tregwilym Road where the former Redwood social club was located. Four housing plots would front onto the new access road where the social club was situated and then the road continues to the land behind those properties on Tregwilym Road where 21 houses and 4 flats are proposed. The mix of dwellings consists of 4 x 1 bed flats (in one building), 4 x 2 bed houses and 21 x 3 bed houses.

2. RELEVANT SITE HISTORY

90/0079	CHANGE OF USE OF UNUSED LAND TO AMENITY OPEN SPACE	Granted with conditions
92/0180	AMENDMENT TO CONDITION 2 OF PLANNING PERMISSION 90/0079 – BOLLARDS TO BE PROVIDED ALONG NORTH WEST SIDE OF ACCESS	No objection

3. POLICY CONTEXT

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

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

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

Policy 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.

Policy SP13 **Planning Obligations** enables contributions to be sought from developers that will help deliver infrastructure which is necessary to support development.

Policy 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.

Policy 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.

Policy 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.

Policy GP7 **General Development Principles – Environmental Protection and Public Health** states that development will not be permitted which would cause or result in unacceptable harm to health.

Policy H3 **Housing Density** seeks a density of at least 30 dwellings per hectare on sites of 10 dwellings or more.

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

4. CONSULTATIONS

- 4.1 WORK BASED LEARNING ACADEMY: No response.
- 4.2 WILDLIFE IN NEWPORT: No response.
- 4.3 WALES AND WEST UTILITIES: Advise of apparatus in the area.
- 4.4 WELSH GOVERNMENT – TRANSPORT DIRECTORATE: No objection.
- 4.5 SOUTH WALES FIRE AND RESCUE SERVICE: The developer should consider the need for the provision of adequate water supplies on the site for firefighting purposes and access for emergency firefighting appliances.
- 4.6 REGIONAL AMBULANCE OFFICER: No response.
- 4.7 NEWPORT CIVIC SOCIETY: No response.
- 4.8 NATURAL RESOURCES WALES: We note that the application site lies within Zone A of the Development Advice Maps (DAM) contained within Technical Advice Note 15 Development and Flood Risk (July 2004). We note that the area adjacent including the access and egress to the site is located within the 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). Our Flood Map information, which is updated on a quarterly basis, confirms the site adjacent to be partially within the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Ebbw.
 - 4.8.1 We have reviewed the submitted 'Flood Consequences Assessment – Tregwylim Road Rogerstone' prepared by Cambria Consulting Ltd dated January 2016 (reference: CC1567/100/REP01/C) and note the following:
 - Based on current NRW data, the access road will experience peak flood levels between 31.96m AOD to 32.02m AOD in the 0.1% (1 in 1000 year) plus climate change event.
 - However, the FCA references a flood model which has been undertaken for the 'Jubilee Park' (Alcan) development (planning reference: CONEX/12/0886). The model indicates that when defended, the site access will be flood free during all events, however this does not include the undefended scenario.

- Further to this, we note an emergency access route to the site is available via a lane to the north west of the site onto the A467 as indicated in Figure 4.1 – Site Access Plan. This is indicated to be flood free during all scenarios.

4.8.2 As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we strongly recommend that you consult other professional advisors on the acceptability of the developer's proposals, on matters that we cannot advise you on such as emergency plans, procedures and measures to address structural damage that may result from flooding. We refer you to the above information and the FCA to aid these considerations. Please note, we do not normally comment on or approve the adequacy of flood emergency response and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

4.8.3 **Surface Water**

To ensure effective management of surface water run-off resulting from the proposed development, a scheme to dispose of surface water should be submitted to and approved in writing by your Authority. As they fulfil the role of Lead Local Flood Authority, we recommend that you contact your Drainage Department for further advice in relation to this. We advise that any proposed scheme should ensure that run-off from the proposed development is reduced or will not exceed existing runoff rates. Details of adoption and management should also be submitted to ensure that the scheme/systems remain effective for the lifetime of the development.

4.8.4 **European Protected Species**

We note that the Ecological Report submitted in support of the above application (Land at Tregwilym Road, Rogerstone – Ecological Report prepared by Sturgess Ecology dated October 2014) has identified that the site is of low ecological value. We note the recommendations as set out in Chapter 5 and recommend these are implemented.

4.8.5 Please note that we have not considered possible effects on all species and habitats listed in Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan, or other local natural heritage interests. To comply with your duty under Section 40 of the NERC Act, local planning authorities must have regard to the purpose of conserving biodiversity and your decision should take account of possible adverse effects on such interests.

4.8.6 **Pollution Prevention**

We also note from the Ecological Report that invasive species are present on site in particular Japanese Knotweed. We therefore recommend a detailed method statement for removing or the long-term management / control of Japanese Knotweed on the site be submitted to and approved in writing by the local planning authority. The method statement should include measures that will be used to prevent the spread of Japanese Knotweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development should proceed in accordance with the approved method statement.

4.8.7 This is necessary to prevent the spread of an invasive species. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in Planning Policy Wales.

4.9 HEDDLU – GWENT POLICE: No objections to the proposed development, and are pleased to see that from correspondence with the architects that the principles of Secured by Design are going to be incorporated into the design and build of the development. We welcome the opportunity to further work with the developers when needed.

4.10 DWR CYMRU – WELSH WATER: Recommend a condition requiring details of a foul, surface water and land drainage scheme. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site and no problems are envisaged with the provision of water supply for this development.

5. INTERNAL COUNCIL ADVICE

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

5.2 HEAD OF STREETSCENE AND CITY SERVICES (TREE OFFICER): Recommends conditions requiring the retention of trees unless otherwise agreed in writing, tree protection plan, implementation of root protection barrier, erection of fencing, arboricultural method statement and appointment of arboriculturalist.

5.3 HEAD OF LAW AND REGULATION (ENV. HEALTH): Recommend conditions requiring sound insulation measures for habitable rooms and outdoor living areas exposed to external road traffic noise, and a Construction Environmental Management Plan.

5.4 PLANNING POLICY MANAGER: It is understood that the development now seeks 100% affordable housing instead of a mix of market and affordable units. Although the provision of affordable units towards Newport's high levels of need is welcomed there is a need for sustainable developments which includes the need for mixed developments. However, due to the small scale of the development within an area of market housing and the proposal will result in neutral tenure occupancy of the site an objection is not raised.

5.4.1 The site is not allocated as environmental space within the LDP. However, it is clear in paragraph 4.9 of the LDP that those environmental spaces defined on the Proposals Map are not to be viewed as a definitive list. It is for the applicant to demonstrate that the greenfield portion of the site does not have value for amenity, recreation (informal) or ecological (green corridor) purposes. The applicant should evidence the impact on the local community as to loss of the land and its impact on the provision of informal play space and the impact on ecological features. Policy CF2 is to be considered when looking at the loss of informal play space. This will result in the application ensuring that the loss of this space does not result in provision in the area being below the fields in trust standard. Presently the informal space in Rogerstone stands at a deficit of 1.71 hectares; this assessment of informal space uses the fields in trust standard. It is important to note that the application site has not been factored as part of this calculation of informal open space, nonetheless if it were added a deficit would clearly remain for the area. As for the impact on the ecological features of the site this will be dealt with by comments from the Councils Ecologist.

5.5 PLANNING CONTRIBUTIONS MANAGER: Current Council policy (specified in the adopted Planning Obligations SPG 2015) stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations;

5.5.1 Affordable Housing: The proposal addresses a clearly identified housing need for this area of the City and will be offered on a neutral tenure basis providing opportunities for applicants to rent or part-purchase their home. The properties will be allocated through the Common Housing Register and attain the appropriate Welsh Government standards where appropriate and achievable.

5.5.2 Should the developer decide to sell the properties on the open market there would be a requirement for 30% affordable housing on-site provision (i.e. 9 units with mix and type to be agreed with the Council) at no more than 50% of ACG. Alternatively, provide a commensurate commuted sum of equivalent value in accord with the Affordable Housing SPG (2015)

5.5.3 Education: The development falls within the catchment area of Bassaleg High School and Rogerstone Primary School. Both schools have deficit capacity (as at January 2016). Whilst it is recognised that no education contribution is requested for affordable housing dwelling, it is necessary to build-in safeguards to ensure that if any of the currently proposed social housing units are sold on the open market, the following formula will be applied to any 'open market' dwellings:

- Number of secondary pupils generated by market housing in excess of available capacity at Bassaleg High School (prior to commencement of the development) x £15,302 = Secondary Education Sum;
- Number of post 16 pupils generated by market housing in excess of available capacity at Bassaleg High School (prior to commencement of the development) x £16,427 = Post 16 Education Sum;
- Number of primary pupils generated by market housing in excess of available capacity at Rogerstone Primary School (prior to commencement of the development) x £16,115 = Primary Education Sum.

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

5.5.4 Leisure: There is a deficit of Formal, Informal and Equipped provision within the Rogerstone Ward. Whilst it is recognised that no leisure contribution is requested for affordable housing dwellings, it is necessary to build-in safeguards to ensure that, any housing units sold on the 'open market' will be subject to leisure planning obligation contributions. Any 'open market' dwellings will be subject to a financial leisure contribution towards Cefn Wood playing fields, based on the following formula:

- Number of one bed 'open market' flats x £2,218;
- Number of two bed 'open market' flats x £2,958;
- Number of two bed 'open market' houses x £2,958;
- Number of three bed 'open market' houses x £4,437;

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

5.5.5 Ecological Compensation: In accordance with the Wildlife and Development SPG compensation for loss of habitat is a ratio of 1:1.5. As the application site measures approximately 1.5 acres and as such 2.25 acres will need to be managed elsewhere to compensate for the loss of a site to meet SINC criteria for slow worms.

The compensation site will be managed for a period of 5 years. This would involve 1 cut per year during late August/September at a cost of £800 per acre therefore £1800 for 2.25 acres. £1800 x 5=£9000

- Total maintenance cost = £9,000
- Organising maintenance approx. 1 day (obtaining quotes, site visits etc)= £269

There will be an additional payment for the monitoring. The breakdown of this would be:
7 x 1 day surveying (£269) year 2 = £1883.28
7 x 1 day surveying (£269) year 4 = £1883.28

- Total monitoring cost = £3766.56
- TOTAL CONTRIBUTION = £13,035.56

- 5.6 HEAD OF STREETSCENE AND CITY SERVICES (LEISURE): The contributions manager, will be responding on behalf of Streetscene's Parks and leisure section with regards to this planning application.
- 5.7 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPE): I object to these proposals. The development would result in an irreversible loss of local 'greenspace'; there would be a loss of amenity, a loss of open space and landscape which would curtail local people's enjoyment of this area of land, be it for social inter-action, passive recreation, walking or dog-walking or children's informal play. People should not be denied the local social and health benefits of open areas which are becoming increasingly important to protect. The high roofs on high ground would also ruin the skyline of trees, as seen from the south, thus decreasing the visual quality of the current landscape character.
- 5.8 HOUSING AND COMMUNITY REGENERATION (AFFORDABLE HOUSING): The Housing Department fully supports the application. There is a considerable housing need within the Rogerstone area and this site will contribute to a much needed provision of family houses and apartments in this area. It is felt that the provision of this affordable housing within an area of predominantly owner occupied dwellings will ensure the development of a mixed and balanced community; with neutral tenure housing offering applicants the opportunity to rent or part purchase a new home. The new homes will be developed to Welsh Government standards and fully compliant with secure by design principles.
- 5.9 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): The southern visibility splay for the junction onto Tregwilym Road appears to include third party land. Confirmation of carriageway and footway widths is required. The proposed turning heads do not conform to the Council's standards such that track testing confirming that it is fit for purpose is required. The submitted parking sustainability test is acceptable to justify the proposed off street parking provision.
- 5.10 EDUCATION: No response.
- 5.11 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): I am satisfied that the slow worm translocation was carried out in accordance with the method statement prepared by Sturgess Ecology. With regards to the grassland on the site, this was not floristically diverse and was mown regularly. It did not meet criteria for a SINC (Site of Importance for Nature Conservation). The periphery of the site contained brambles and shrubby species which again were not floristically diverse however I believe that these did offer some local importance for local species. The site did meet SINC criteria for slow worms and as such should be given weight as a material planning consideration.
- 5.11.1 Compensation has yet to be agreed with the regards to loss of slow worms habitat. An area of land (off site) will need to be managed specifically for slow worms and this should be calculated at a ratio of 1:1:5.
- 5.11.2 I would dispute the comments made in 32 of the D & A Statement that "there are no statutory or non-statutory sites of nature conservation interest within the proposed site". The presence of slow worm and the numbers recorded confirm that the site does have nature conservation interest. The development will result in loss of ecological features.

- 5.11.3 A Japanese knotweed treatment plan is required. I am concerned that ground works have already taken place in areas where the Japanese knotweed is currently situated.
- 5.11.4 Details of external lighting will be required to ensure dark corridors are maintained for commuting/foraging bats.
- 5.11.5 Sites need to be assessed not only for the ecological value but their economic and social value. We need to assess what 'services' this area of land provides. At the moment, its ecological value is limited as the slow worms have been translocated. Garden birds would've fed upon the fruits/berries produced by the peripheral scrub and invertebrates such as moths/ butterflies and bees would've also utilised the periphery of the site. The economic value I am unable to assess as it is difficult for me to ascertain what economic value this land has on for example the surrounding properties. Socially this site is used regularly by dog walkers and children. It is a very local site and has a recreational importance.
- 5.12 HEAD OF STREETSCENE AND CITY SERVICES (DRAINAGE): On the application form the applicant has indicated SUDS, Mains Sewer and Soakaways as methods for the disposal of surface water and external works drawings indicate permeable paving will be utilised, but there is no supporting drainage design to clarify.
- 5.12.1 There is currently insufficient information to make suitable assessment of surface water disposal for the site. The applicant should submit a drainage strategy and associated design drawing and calculations in order to demonstrate how surface water will be managed on the site and disposed of.
- 5.13 HISTORIC BUILDINGS AND CONSERVATION OFFICER: The site lies adjacent to and behind Rogerstone Public Library, which is listed at grade II as a well-designed small Edwardian library building in free classical style. It is the dominant building in a streetscape characterised by undistinguished but formally proportioned Edwardian domestic properties, which in my opinion form an important part of its setting. Those to the north are particularly well-proportioned with elements of classical detailing, though are much altered.
- 5.13.1 The DAS submitted suggests that particular regard has been paid to the appearance of the buildings most visible from Tregwilym Road and that these have similarities to the Edwardian houses to the north, but disappointingly the elevational drawings show fairly standard modern suburban house types. Nevertheless, whilst a more carefully considered design may be preferable, in the context of the on-going redevelopment of the former Castle Works site across the road I do not necessarily consider that this would have a significant adverse impact on the setting of the listed building. However, it is difficult to understand how the proposed development relates in scale to the listed building, particularly given the difference in site levels. I would suggest that a street scene elevation should be provided along Tregwilym Road, ideally accompanied by additional visualisations in order to understand the potential impact.
- 5.13.2 I also have a concern relating to the proposed buildings immediately behind the listed library. The building currently has a pleasant, leafy backdrop and the proposed dwellings with their abnormally tall roofs do not seem a welcome change. Again, the precise impact of this is difficult to ascertain due to the change of levels and the submission of visualisations would be helpful.
- 6. REPRESENTATIONS**
- 6.1 NEIGHBOURS: All neighbours within 50m of the application site were consulted on 30th October 2015 and then on 29th January 2016 and 16th June 2016 following the submission of amended plans (38 properties). A site notice was posted and an article published in the South Wales Argus. Two petitions of 33 and 21 signatures have been received along with 29 letters from 7 addresses and 15 unknown addresses. The representations raise the following concerns/objections:

- Loss of privacy;
- Increased traffic along Tregwilym Road;
- Loss of green space which provides a valuable contribution to the area and is an amenity for local residents;
- Development has begun before planning permission granted;
- Roads are grid locked in the morning;
- Lots of new development but no new school, doctors surgery or new main road in the village;
- The infrastructure to support a growing community is not sufficient, schools are overcrowded, GP surgeries are struggling, traffic on the roads a problem and public transport inadequate;
- Residents will be surrounded by building sites with its disruption, noise and dust;
- Work has been carried out and fencing erected which has left the site looking unsightly;
- Concerned over the distance of the boundary fence between the development and the private lane. A resident currently oversails the application site to enter and exit a car port; and to avoid encroaching on a neighbours' land. The development would prevent right of access to their property;
- Have the correct processes been undertaken to extinguish the adopted highway which the application site is believed to have been formerly designated;
- Who will compensate for the devaluation of properties;
- The new access is on a bend which creates more potential for accidents;
- The land is a haven for Slow Worms, a hunting ground for buzzards, bee orchids grow there and 5 trees are proposed to be felled when the Woodlands Trust in Wales says we need more trees;
- The applicants have left the site in a terrible state since last year and they have disturbed Japanese Knotweed. The grass has not been cut and it is waist high so nobody can use the ground. Could this be a ploy to try and make out it is no longer used for recreational purposes;
- According to planning policy Rogerstone has already met its quota for affordable housing in the area. This is the result of such houses being built on nearby Jubilee Park;
- Rogerstone has an informal play space deficit of 1.71 hectares. This will be increased further by 0.84 hectare;
- The applicant has not demonstrated that the site does not have value for amenity, recreation and ecological purposes;
- The applicant has not evidenced the impact on the local community as to the loss of land and its impact on the provision of informal play space;
- The development will result in provision in the area being below the fields in trust standard;
- Plots 21-29 will be elevated relative to a neighbouring property such that their ground floor is at approximately the same level as the first floor, in particular plot 26;
- It is believed that the proposed development would have a dominating impact on existing residents;
- Concerned that the band of trees on the north-east of the site separating the proposed construction from the A467 may be jeopardised;
- The layout between the trees and living accommodation is cramped and oppressive, resulting in a poor outlook from habitable accommodation being heavily shaded. This impact could give rise to pressures to prune the canopies and undermine the amenity value of the trees and their contribution to the appearance of the area;
- Any pruning of trees could cause lighting of the A467 to become much brighter;
- Every property, apart from plots 2, 5, 26 and 29 are arranged so that the cars have to be parked one behind the other. As these houses will also require one more space nearby there is concern that this will lead to 2 cars for each property regularly being parked on Tregwilym Road. This will lead to more congestion around the library making access to this public amenity difficult. This could lead to a further 20-30 cars being parked on Tregwilym Road which is already congested;

- The proposals for internal circulation within the site are unacceptable and will create conflicts between neighbours with regards to vehicular movements which may lead to further increase in on street parking;
- The roofs of proposed properties, particularly behind 160, 162 and from 170 and 196 will be seen above the rooftops of the current properties, this will spoil the character and uniformity of this row of semi-detached properties;
- The high level of noise identified will impact on future residents when windows/door are open;
- The construction of 1.8m high brick screen walls between dwellings is not characteristic of dwellings in the area;
- Each dwelling will be served by much less garden space compared to existing surrounding residential dwellings so is not in keeping with the area;
- Concerned that there is enough room for emergency vehicles and refuse collection, will there be a communal refuse collection area within the site or will their bins be collected from the main road?
- Should the application be approved then request that hours of construction are controlled;
- Concerns over the process undertaken to sell the land;
- The land was designated as an amenity open space under planning permission 90/0079. The land was taken over by Rogerstone Community Council where landscaping and additional planning conditions were met;
- Concerned that there is no formal agreement in place between the applicant and the owners of the lane in terms of right of access across the private lane;
- Details of traffic signs and road markings are missing from the application, this is required so that any proposals which may effect parking on Tregwilym Road can be considered;
- Details of street lighting are missing, this is required so that the impact on quality of life can be considered;
- Details of foul and surface water drainage are missing and should be submitted for consideration;
- Concern over the substandard and inadequate highway improvements as a result of the Jubilee Park Development, any further increase in traffic will cause tail backs on Tregwilym Road;
- There is substandard visibility at the access from Tregwilym Road, a stage 1 safety audit should be undertaken;
- An outline construction phase plan should be submitted for consideration by the authority and effected residents;
- Design standards adopted by Newport City Council state that a minimum junction approach gradient of a residential road to a local distributor road should be no more than 5% for a distance back of 20m. This criteria has not been met;
- The visibility splay passes through a third party property (164 Tregwilym Road). The visibility is obstructed by the 1.8m high boundary wall and a telecommunication kiosk. No dispensation should be given to the developer to reduce the design standards due to the relative high speeds of vehicles on Tregwilym Road;
- The reduction of the Tregwilym Road bus route to 6m may require the full closure of the road should highway maintenance or utility works be required to the highway;
- Consideration should be given to ensure the visibility requirements for vehicles turning out of the private land and onto the development access is given. Parking spaces will inhibit visibility for vehicles exiting the private lane onto the access road;
- The vertical alignment and 1 in 12 gradient of the proposed access road indicates that this road will be approximately 300mm below the existing private lane. This will require the vertical realignment and re-grading of the private land approaches to the proposed access road. This will cause potential drainage issues and discharges of surface water onto private land;
- Queries the proposed materials of the access road and their effectiveness given the gradient, which could lead to surface water flooding or discharge to the public sewerage system. The proposed materials could also be susceptible to high rates of degradation in sub-zero temperatures;

- The proposed traffic calming hump is considered to be a hazard due to the gradient of the road. Vehicles accessing the private lane from the hump may become unstable when turning on steep gradients. It will also act as a dam to storm water flowing down the access road;
- Adequate access is not provided for maintenance vehicles to the sub station located adjacent to 164 Tregwilym Road;
- There is a lack of visitor parking which will promote on-street parking and possible parking on third party private land behind Tregwilym Road and the private lane;
- There is a lack of drainage gullies on the access road which will mean any storm water will flow onto Tregwilym Road;
- The proposed development is 1.5m above the existing lane, rear boundary fencing is proposed to be 1.8m high which results in an effective fence height of 300mm from the back gardens of the proposed plots;
- The position of the proposed soakaways do not meet the minimum standards of 5m away from the building or 2.5m of any property boundary;
- The land is comprised of potentially contaminated railway ballast, water entering any soakaway will potentially issue onto the private land without suitable barrier treatment;
- There are no proposed methods of preventing those without any right of access using the private lane;
- Some residents on Tregwilym Road operate solid fuel heating. The production of smoke from such systems, via chimney vents, will be carried across the proposed development on the prevailing wind. Due to the elevated nature of the proposed properties some of them may be directly affected by any smoke;
- There has been some regrowth of Japanese Knotweed;
- The track testing provided does not show the full manoeuvre and does not prove its acceptability. The potential weight of this vehicle with its power steering may reduce the design life of the paving and quickly break it up. This will become a maintenance liability should this road become a public asset. The turning of the vehicle does not take into account the canopies of the trees that overhang from the adjacent highway;
- Residents object to significant maintenance being undertaken to the private lane, due to the risk of it becoming a rat run to beat the queues at the junction of Tregwilym Road to the Jubilee Park access road;
- The reptile barrier is in poor condition and has been breached in several locations. The area is now a perfect habitat for Slow Worms and other reptile. Hope that the habitat survey will be fully reviewed.

6.2 COUNCILLOR SALLY MLEWA: Whilst I applaud the construction of affordable homes in Rogerstone, I am also aware that the lack of green/open space in the area is in deficit by some 1.7 ha, this being the case there is a need to hold on to any green that is in use for children to play on. At the moment there is becoming less and less resources available for young people across Newport that are accessible to young children near their homes where they can play safely.

6.2.1 Many residents have put forward their arguments that the land is not on the LDP and has been maintained as open space for many years. I have to concur with this. Also bearing in mind the increasing epidemic of obesity in Wales and the well documented fact that obesity begins in childhood, I would consider it essential that local children have local play areas in which to play and have the opportunity to remain fit and healthy, thus providing Wales with a future population that is fit, healthy and ready to take their place in building this city and country.

6.2.2 Finally, the process for the designation of this piece of land from 'open space' to 'building land' has not been followed correctly and as such this must be reviewed so that transparency and confidence in the planning process can be maintained.

6.3 ROGERSTONE COMMUNITY COUNCIL: Members object to this application. Whilst the area is not designated as a public open space it has been used as such for many years by residents. As the designated areas of public open space in Rogerstone fall below the national

average, if this area is to be developed, please explain how it is intended to provide extra open space in Rogerstone?

7. ASSESSMENT

- 7.1 The existing site is a predominantly level area of open space consisting of grassland, a linear strip of early mature trees along the northern boundary with the A467, two isolated groups of shrubs and a long narrow strip of overgrowth and scrub on the southern boundary. Beyond the southern boundary is a private unmade lane which provides access to a number of garages and car ports to houses fronting Tregwilym Road. On the western boundary is a roughly circular shaped access road in front of a private childrens nursery, this provide access from Tregwilym Road. The new access with housing either side is proposed where the former Redwood social club used to stand. The building has been demolished and is a vacant site. To the east of this part of the site is an electricity sub station which sits adjacent to 164 Tregwilym Road. To the west is Rogerstone Library which is a grade II listed building.
- 7.2 The main portion of the application site is at a higher level than Tregwilym Road level. The topographical survey contained within the Flood Consequences Assessment shows that the main portion of the application site is at 34m AOD, 32m AOD at the front of the former social club site (which is a similar height to properties 160 to 196 Tregwilym Road, although there are variations) and 29.5m AOD at road height. Therefore there is a level difference of 4.5m from Tregwilym Road to the main portion of the application site. The proposed new access would have a relatively steep gradient.
- 7.3 The proposed development consists of a range of detached and semi detached dwellings; and a two storey block of flats. The majority of the units face towards the rear boundary of the application site which has a tree lined boundary with the A467. The rear gardens back onto the private lane. Four houses are proposed either side of the new access from Tregwilym Road. These would be two detached dwellings at the front of the site positioned to follow a similar building line as properties further north west along Tregwilym Road. Front and side gardens would follow the existing contours down to the road. The other two houses would be a semi detached pair. The houses would be finished in a mix of facing brick work and render. Each dwelling would have two parking spaces and the 1 bed flats would have one space. Boundary treatments consist of 1.8m high timber fencing with 300mm trellis above for the rear boundaries of plots 21 to 29, all other plots would have 1.8m timber fencing along rear boundaries. Around 3m of 1.8m high timber fencing followed by 1.2m high fencing would divide rear gardens. 1.8m high brick walls would form the boundaries of gardens which would be exposed to the road and railings would be used to separate the flats in the eastern corner of the site from some open space which lies beyond them.
- 7.4 **Principle of development**
The application site is located within the settlement boundary but is a greenfield site. Some local residents and the Council's Landscape Officer raise concerns about the loss of the area as it provides a local amenity area used by dog walkers, childrens play area and it adds to the quality of life of neighbouring properties. The site is not allocated as environmental space within the LDP. However, it is clear in paragraph 4.9 of the LDP that those environmental spaces defined on the Proposals Map are not to be viewed as a definitive list.
- 7.4.1 Policy CE3 states that in and adjoining the urban and village areas, and in areas identified for comprehensive development, sites having existing importance for their visual qualities, as wildlife habitats or for recreational or amenity purposes, will be safeguarded as "environmental spaces and corridors". Development in these spaces will be permitted only where:
- i) the existing or potential environmental qualities of the site will be improved or complemented;
 - ii) there is no adverse impact on international, european, national, regional or local nature conservation interest;
 - iii) there is not a loss, without appropriate replacement, of a recreational, open space, or amenity resource for the immediate locality unless it can be demonstrated that there is an

excess of provision or facilities can be enhanced through development of a small part of the site.

Proposals to enhance or improve existing environmental space provision will be encouraged where practicable. Additional provision will be sought in areas where a deficit has been identified.

- 7.4.2 An Ecology Report has not identified the site as having significant value for its flora nor does it have a habitat which is important for wildlife. However, a reptile survey has identified Slow Worms on the application site, which are protected under the Wildlife and Countryside Act 1981. 23 Slow Worms have been translocated to a site within the Tregwilym Road Industrial Estate and the applicant has agreed to compensate for the loss of habitat through a financial contribution which will allow the Council to manage an area of land off site specifically for Slow Worms (at a ratio of 1:1.5). It is therefore considered that there would be no adverse impact on the conservation interest and the environmental qualities of the site.
- 7.4.3 A number of local residents have raised concerns that the application site provides an amenity area used by dog walkers, childrens play area and it adds to the quality of life of neighbouring properties. It is also noted that there is a deficit of informal play space in the Rogerstone ward, although this site is not factored into the calculation of informal open space. The proposed layout includes an area of open space in the eastern corner of the application site, which the applicant has stated would be managed by them in perpetuity. It is considered that this area would allow residents to continue to undertake some of those previous activities. It is recognised that there would be a greater loss of space than can be provided in this eastern corner however, it is noted that the neighbouring Jubilee Park development site includes the provision of a riverside park, a central pond area, open space around the Rogerstone Castle area, locally equipped areas of play, and the northern woodland/open space. These areas are intended for both future and existing residents and as such it is considered that there would be sufficient amenity resources available to residents in the immediate locality, thereby satisfying Policy CF3.
- 7.4.4 Some residents are concerned that there is a lot of new development in the area but the infrastructure, in terms of schools, doctors surgeries or roads, is insufficient to accommodate the growing population. The neighbouring Jubilee Park development site is a major housing and mixed use development scheme which could deliver up to 1200 homes. It also includes the provision of a new 1.5 form entry primary school for 315 pupils (for which construction has begun) and the potential for a range of other uses including community facilities, a clinic or surgery, pharmacy and/or health and leisure facilities. These uses are still subject to detailed design approval and their up take will largely involve commercial decisions for which the Council has no control over. However, it can be assumed that if there is significant demand for such uses then they should come forward. The Jubilee Park development also secured a number of road improvements including works to the roundabout serving Chartist Drive, Tregwilym Road and the slip roads of the A467, improvement works to the roundabout of M4 junction 27. The Welsh Government are also proposing to carry out works to junction 28 as part of the M4 corridor improvement works.
- 7.4.5 Concerns have been raised that Rogerstone has already met its quota for affordable housing in the area, delivered by the Jubilee Park development. There is no quota for affordable housing per area, instead proposals are assessed against Policy H4 of the Local Development Plan which states that on site provision of affordable housing will be required on all new housing site of 10 or more dwellings within the settlement boundary. A provision of affordable housing will be sought in accordance with the relevant submarket area, which is 30% for Rogerstone and West Newport. The housing need in the area is also considered which the Council's Housing Development Manager has confirmed is high in the Rogerstone ward. Whilst a development of this scale is only required to provide 8 affordable units, it has come forward as a 100% affordable scheme which is supported by the Council's Housing Development Manager given the high need in the ward.
- 7.4.6 Overall it is considered that the proposed development would provide much needed affordable housing which would be supported by improving highway infrastructure network,

improvements to primary school provision and the potential for new local services. On balance it is considered that these factors outweigh the loss of the greenfield open space.

7.5 Residential Amenity

Policy GP2 states that development will be permitted where:

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

7.5.1 In terms of the impact on the neighbouring properties the New Dwellings Supplementary Planning Guidance (SPG) sets out guidance on separation distances between proposed and existing dwellings in order to achieve adequate privacy and amenity space. Where the private amenity space is located to the rear of the house it should extend at least 10m from the rear elevation of the house. Where protected windows (i.e. those serving habitable rooms) face one another they should be at least 21m apart. The rear elevations of plots 5 to 20 and 21 to 29 face the rear elevations of properties along Tregwilym Road. All the proposed plots achieve the 21m separation distances and all exceed this distance by some way except plot 25 which faces towards the side elevation of No 4 Castle View which has no habitable windows. Plots 1 and 2 do not have windows which face towards other habitable windows. Plots 3 and 4 have rear elevations which face towards the rear grounds of the library.

7.5.2 Private amenity space of at least 10m in depth is advised in order to achieve adequate amenity for future occupiers and to prevent any overlooking of existing private areas from first floor windows. Plots 2 to 12 and plots 26 to 29 fall short of the 10m garden depths. However, given that the rear gardens of plots 5 to 12 and 26 to 29 back onto a private lane and properties along Tregwilym Road have structures such as garages, car port and outbuilding/sheds adjacent to this lane it is not considered that the proposed dwellings would give rise to overlooking of the private amenities of existing properties. Plot 2 has a rear garden which faces towards the access road and plots 3 and 4 have rear gardens which back onto the rear grounds of the library. In terms of the amenity of future occupiers it is recognised that the garden depths are not as long as that which is desirable however, given that a housing association, who have their own design standards, are the applicants it is considered acceptable to allow some flexibility for the housing association to understand the needs of future tenants.

7.5.3 A local resident has raised concern that the position of the rear boundary fence would prevent access to their car port as they currently oversail the application site in order to gain access. Whilst the resident may have undertaken these manoeuvres for some time this would have been an informal arrangement and there would have been no formal right to use any part of the application site to carry out such manoeuvres.

7.5.4 Concern has been raised that plots 21-29 are elevated relative to neighbouring properties so that their ground floor is around the same height as the first floor of those properties. There is also concern that the rear gardens of these plots are elevated and so boundary treatments would be ineffective in providing privacy. The applicant has recognised the difference in levels between neighbouring properties and proposes an additional 300mm of trellis above a 1.8m high timber rear boundary fence. This has not satisfied the concerned neighbour however, given the intervening garages and car ports and the length of the rear gardens of properties on Tregwilym Road it is not considered that there would be a loss of privacy. Plot 25 and 26 have the greatest level difference between neighbouring properties however, the houses and rear gardens back onto the access road serving Castle View and the side elevation of No 4 Castle View which has no habitable windows in that elevation. It is therefore considered that the level difference would not have an adverse impact on neighbouring properties.

7.5.5 Concerns has been raised that some residents on Tregwilym Road operate solid fuel heating and future residents may be effected by smoke being carried across the site on the prevailing wind. The planning system does not seek to control such scenarios and as such this is not a material planning consideration.

7.6 **Design**

The design of the proposed housing is considered to be acceptable. The houses would be detached or semi detached which is characteristic of the pattern of housing in the surrounding area. The block of flats is a larger unit but is two storey and of a scale commensurate with surrounding buildings. The design is contemporary and reflective of the new housing being constructed in the neighbouring Jubilee Park development site. The proposed materials are mixed between brick and render finishes which are considered to provide interest within the new streetscene.

7.6.1 The proposed layout includes two dwellings which address both Tregwilym Road and the new access road. These dwellings would have frontage onto the access road but also provide an active elevation onto Tregwilym Road though the use of windows in the side elevation. The landscape treatment of these corner plots would include tree planting and shrub/herbaceous planting. It is considered that these two plots provide a legible entrance into the proposed development.

7.6.2 Concerns have been raised that the layout is cramped and oppressive with poor outlook from habitable rooms which would be heavily shaded by the trees. Neighbours have states that this could give rise to pressures to prune the canopies and undermine the amenity value of the trees. It is noted that the majority of the proposed housing faces in a north easterly direction and as such the trees would have little impact on the amount of light entering the rooms at the front of the houses. The rear gardens would have a southernly aspect which is considered to be desirable. Whilst outlook would predominantly be of the trees this is unlikely to result in pressure to prune canopies as views beyond are of the A467. The Council's Tree Officer has not raised any concerns in this respect.

7.6.3 There is also concern that roofs of the proposed houses would be seen above the roof tops of existing properties along Tregwilym Road. Whilst this would be the case, particularly for plots 7 to 12, the proposed houses would be semi detached properties and as such views through the plots of the trees behind would still possible which helps break up the built form. Notwithstanding this the surrounding area is an urban environment and as such the built form is not considered to be out of character.

7.7 **Noise**

The application site is located adjacent to the A467. A noise assessment has been undertaken which included a 24 hour noise survey of the land to allow an assessment of the impact of road traffic noise on the proposed development. The assessment concludes that the noise contours indicate that the external areas surrounding plots 21-24 will not satisfy the outdoor living area noise criteria. However, these plots are proposed to be flats and there are no outdoor living areas associated with these plots. All other outdoor living areas are exposed to noise levels at or below required level of 55 dB LAeq,16hr during the daytime period. The assessment also concludes that the required internal noise levels can be achieved for Plot 1 using an open window ventilation strategy. All other plots require that the windows will need to be closed in order to achieve the required internal noise levels. It is stated that standard thermal glazing in the closed position will be effective in controlling the internal noise levels at all remaining plots and that all properties subject to sound insulation measures should be provided with an alternative means of mechanical ventilation. The Council's Environmental Health Officer has no objection to the proposed development subject to conditions relating to details of sound insulation measures for habitable rooms and outdoor living areas exposed to external road traffic noise.

7.8 **Flood Risk**

Whilst the application site is not located within a flood risk area the area adjacent including the access and egress to the site is located within flood Zone C1. Natural Resources Wales (NRW) Flood Map information shows the adjacent site to be partially within the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Ebbw.

- 7.8.1 The applicant has submitted a Flood Consequences Assessment (FCA) which NRW has reviewed and makes the following observations:
- Based on current NRW data, the access road will experience peak flood levels between 31.96m AOD to 32.02m AOD in the 0.1% (1 in 1000 year) plus climate change event.
 - However, the FCA references a flood model which has been undertaken for the Jubilee Park development. The model indicates that when defended, the site access will be flood free during all events, however this does not include the undefended scenario.
 - Further to this, we note an emergency access route to the site is available via a lane to the north west of the site onto the A467. This is indicated to be flood free during all scenarios.

7.8.2 Flood defence works for the Jubilee Park development site have been completed, they include a Flood Wall and Channel. This means that the site access and egress for the application site will be flood free during all events. As the application site itself is also flood free the proposed development is considered to be acceptable in this respect.

7.9 Highways

Policy GP4 states that development proposals should:

- i) provide appropriate access for pedestrians, cyclists and public transport in accordance with national guidance;
- ii) be accessible by a choice of means of transport;
- iii) be designed to avoid or reduce transport severance, noise and air pollution;
- iv) make adequate provision for car parking and cycle storage;
- v) provide suitable and safe access arrangements;
- vi) design and build new roads within private development in accordance with the highway authority's design guide and relevant national guidance;
- vii) ensure that development would not be detrimental to highway or pedestrian safety or result in traffic generation exceeding the capacity of the highway network.

7.9.1 The proposed development would involve the construction of a new access onto Tregwilym Road which has been amended so that the access provides a central position within the land formerly occupied by the Redwood social club. Whilst the Council's Highway Engineer previously commented that the southern visibility splay for the proposed junction appeared to include third party land, he has now confirmed that the visibility splays are acceptable and that the works to the new junction will be subject to a Section 111 Agreement which will allow the applicant to carry out works on the public highway. Full design details would be required for approval before works would be permitted to commence.

7.9.2 Each dwelling would have two off-street parking spaces except the 1 bed flat which would have one space each. The application site is located in parking zone 4 and the Parking Standards Supplementary Planning Guidance requires 1 parking space per bedroom unless a reduction can be justified by a sustainability appraisal. The 1 bed flats and 2 bedroom houses meet the required number of spaces however, there would be a shortfall of 1 space for each three bedroom house. The applicant has submitted a Sustainability Appraisal which demonstrates that a reduction in 2 parking spaces per unit is justified, this is due to the proximity to local services such as a convenience store, school and community hall; and access and frequency of public transport. The reduction of 1 space for each 3 bed house is therefore considered to be acceptable.

7.9.3 The Parking Standards requires visitor parking spaces at a ratio of 1 space per every 5 dwellings, this equates to 5 spaces for the proposed development. Such spaces are normally required to be provided on street as undesignated kerb-side parking. It is considered that there is sufficient room within the layout to allow enough on street visitor parking.

7.9.4 The Highways Engineer requires details of vehicle track testing of the proposed turning heads at either end of the proposed development. This track testing has been provided and despite concerns of a neighbouring resident the Highways Engineer has confirmed the plans are acceptable. The Highways Engineer initially required confirmation of carriageway

and footway width but has since stated that the detailed design of the road can be dealt with through a Section 38 Agreement (road adoption agreement).

7.9.5 A number of concerns regarding highway design have been raised by local residents including a lack of information regarding traffic signs and road markings, inappropriate road gradients and junction proposals, queries regarding visibility from the private lane onto the new access road, the suitability of road materials, the design and location of a traffic calming hump and highway drainage. The Council's Highways Engineer does not object to the proposed road gradient or the new junction onto Tregwilym Road. He has commented that he is not concerned about the visibility from the private lane to the new access and that the detailed highway design would be dealt with through a Section 38 Agreement.

7.10 **Drainage**

The applicant proposes to discharge foul drainage to the public sewerage system. Welsh Water have confirmed that no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

7.10.1 The applicant has also stated that they intend to discharge surface water via a sustainable drainage system, soakaways and to the main sewer. The Council's Drainage Officer and Welsh Water require a drainage strategy to be submitted and it is considered appropriate to do this through a condition.

7.10.2 A local resident has raised concern that the soakaways do not meet the minimum standards of 5m from the building or 2.5m of any property boundary. Whilst the soakaways are shown as such on the plan it is possible to agree these details through a condition requiring a more holistic drainage strategy of the entire site.

7.11 **Ecology**

The applicant has submitted an Ecology Report which identifies plants which are mostly common and widespread species, typical of grassland and scrub in urban areas and on brown-field sites. The report does not consider the site to be of significant value for its flora. The report does not consider the short-mown grassland habitat to be important for wildlife. Several species of non-native plants were also identified. The Council's Ecology Officer generally agrees that the site is not floristically diverse although it is noted that the periphery of the site contains brambles and shrubby species which do offer some local importance for local species, but the site does not meet the criteria for a SINC (Site of Importance for Nature Conservation).

7.11.1 A reptile survey has also been undertaken which identified a number of Slow Worms within the site. In liaison with the Council's Ecology Officer a total of 23 Slow Worms were moved to two scrub-covered south-facing banks at Tregwilym Road industrial Estate. It was considered that the Slow Worms were unlikely to return given its separation from the application site. The Council's Ecology Officer is satisfied with the translocation however, in line with the Wildlife and Development SPG compensation is sought for the loss of slow worm habitat. An area of land (off site) will need to be managed specifically for slow worms and calculated at a ratio of 1:1.5. The terms of the financial contribution sought to carry out this management is set out in paragraph 5.5.5. The applicant has agreed to these terms.

7.11.2 As noted in the Ecology Report Japanese Knotweed was identified on site and as such the Council's Ecology Officer required a treatment plan which is secured through a condition. There is concern that ground works have already taken place in areas where the Japanese Knotweed is currently situated however, this currently fall outside of planning control.

7.11.3 The Council's Ecology Officer requires details of external lighting to ensure dark corridors are maintained for commuting/foraging bats and this can be secured through a condition.

7.11.4 The Ecology Officer has commented that the site has local value and has a recreational importance. These concerns are discussed in paragraph 7.4.

7.11.5 Concern has been raised that the reptile barrier fencing, which has been erected to prevent Slow Worms from entering the site, has been breached. It is acknowledged that there is always potential for breaches or damage to occur when materials are exposed to the

elements and nature. In order to ensure no Slow Worms have re-entered the site or any injury caused should this be the case a condition is imposed requiring a walk over of the site by a suitably qualified ecologist prior to the commencement of development. Should Slow Worms be discovered then the condition will require them to be translocated in accordance with the Reptile Method Statement.

7.12 **Trees**

The applicant has undertaken a Tree Survey which recommends that the woodland strip along the rear boundary and adjacent to the A467 and two Maple trees within the north western corner of the site be retained. Following some clarification over how trees along the rear boundary would be protected the Council's Tree Officer is satisfied with the proposal subject to conditions to retain trees and hedges unless otherwise agreed in writing, a tree protection plan, implementation of root protection barriers, the erection of fencing, an arboricultural method statement and the appointment of arboriculturalist. The condition relating to the retention of all trees has not been imposed as the Tree Survey does recommend the loss of low value trees or hedges and the Tree Officer has not objected to this. The condition relating to the tree protection plan has not been imposed as this requires information already submitted by the applicant. All other conditions are duly attached.

- 7.12.1 A number of additional trees are also proposed as part of the landscaping scheme, which include a group of trees at the front of the site and within the large front gardens of plots 5 and 29.

7.13 **Landscaping**

A landscaping plan has been submitted to support the application. New trees along with shrub planting is proposed at the entrance of the site and following the new access road into the site. Rear gardens would consist of lawn turf and the small front gardens would be planted with a mixture of hedges or shrubs. The Council's Landscape Officer objects to the principle of developing this area of open space and these concerns are discussed in paragraph 7.4. The Officer has not made comments about the landscaping scheme and in the absence of any comments to the contrary the proposals are considered to be acceptable.

7.14 **Impact on Listed Building**

Rogerstone Library on Tregwilym Road is a grade II listed building. The Historic Buildings and Conservation Officer has expressed some disappointment that the design of the proposed housing is a fairly modern standard design. However, in the context of the Jubilee Park development site he does not consider that the proposal would have a significant adverse impact on the setting of the listed building. He has requested a street scene elevation along Tregwilym Road be submitted to understand how the development relates to the listed building.

- 7.14.1 The applicant has gone some way in producing this plan and has produced a partial street scene elevation and a sectional plan to show the height difference between the library building and the proposed units behind (plots 7-9). The Historic Buildings and Conservation Officer has not commented further on this plan however, it is evident that due to the difference in levels these plots would be visible above the roof top of the library building from the Tregwilym Road street scene. However, it should be noted that the proposed houses would be semi detached properties and there would be views through the plots of the trees behind which helps break up the built form. On balance, given the benefits of the scheme in terms of providing much needed affordable housing and when considering the character of the surrounding area as an urban environment it is not considered that the impact on the listed building would be so harmful as to warrant refusal of the application.

7.15 **Ground Conditions**

The application site was previously used as railway sidings and as such the applicant has undertaken a Geotechnical and Geo-Environmental Report. The Council's Scientific Officer has reviewed the report and has commented that there is insufficient sampling across the site to fully categorise the potential contamination. It is recommended that a series of boreholes are sunk across the site to allow for further near surface soil sample, gas

monitoring and water sampling. Conditions are imposed requiring this additional investigation, a remediation strategy and completion/verification of the remediation.

7.16 Planning Obligations

The Planning Contributions Manager has commented that current Council policy (specified in the adopted Planning Obligations SPG 2015) stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations. The proposal addresses a clearly identified housing need for this area of the City and will be offered on a neutral tenure basis providing opportunities for applicants to rent or part-purchase their home. The properties will be allocated through the Common Housing Register and attain the appropriate Welsh Government standards where appropriate and achievable. However, should the developer decide to sell the properties on the open market there would be a requirement for 30% affordable housing on-site provision (i.e. 9 units) at no more than 50% of ACG.

7.16.1 It is also necessary to build-in safeguards to ensure that if any of the proposed social housing units are sold on the open markets then contributions towards education and leisure are secured. The formulas to be applied to calculate these contributions are set out in paragraphs 5.5.3 and 5.5.4. These safeguards would be secured through a legal agreement.

7.16.2 The applicant has agreed to these terms.

7.17 Other matters

There have been a number of concerns raised by local residents, the majority of which have been addressed in the preceding paragraphs. Some concerns relating to the process of selling the land, the process of extinguishing what was potentially adopted highway, devaluation of property, rights of access across the private lane, access to an existing electricity sub station and potential for road closures during highway maintenance or utility works as a result of the new access works are not material planning considerations.

7.17.1 Concerns has been raised that residents will be surrounded by building sites and will be subject to disruption, noise and dust. Residents request that the hours of construction are controlled. A condition is recommended requiring the submission of a Construction Environmental Management Plan which should include details of noise and dust mitigation during construction. The hours of construction are better dealt with under the Environmental Protection Act 1990 should a statutory noise complaint be established.

7.17.2 Concern is raised that the road layout is not wide enough for emergency vehicles and refuse collection. The Council's Highways Engineer has not objected to the road layout. Queries were also raised over where bin collection would take place. It is understood that the applicants would seek the road to be adopted by the Council and as such bin collection would take place kerbside.

7.17.3 Concern is raised that there are no street lighting details provided for review. It is common place for detail such as this to be secured by condition and accordingly such a condition is imposed.

7.17.4 Concern is also raised that there are no methods for preventing those without any right of access from using the lane. There are currently no such methods in place and access is freely available. Whilst the proposal would create two new access points it is not considered that the applicant be responsible for managing the use of the lane.

7.17.5 The applicant has stated that they will resurface the private lane in tarmac. Concerns have been raised that any significant maintenance to the private lane may result in it becoming a rat run to beat the queues at the junction of Tregwilym Road to the Jubilee Park access road. These concerns are noted however as the lane is outside of the application site and the control of the applicant any works to the lane would need to be with the agreement of the owner(s) of the lane. The neighbours concerns have been sent to the applicant.

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 proposed development is considered to be acceptable and in accordance with Policies SP1, SP3, SP9, SP13, Gp2, GP4, GP5, GP7, H3 and T4 of the Newport Local Development Plan 2011-2026. It is recommended that planning permission is granted with conditions.

10. RECOMMENDATION

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

01 The development shall be implemented in accordance with the following plans and documents: SLP-01 rev A, EW-01 rev H, HF-01 rev J, TP-01 rev M, SCS-01 rev G, SCS-02 rev B, 325.0 rev A, 200 rev F, 201 rev F, HT-24 rev E, HT-21 rev C, HT-31 rev C, 1016-03, 459-01 rev A, 764-02, 1016-01, 1016-04, 1016-02, 764-01, 459-02 rev A, 842-01, 842-02, Reptile Method Statement (Sturgess Ecology, August 2015) and Tree Survey (Steve Ambler and Sons, June 2015).

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 Notwithstanding the plans hereby approved and prior to the commencement of development a drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development. Reason: To protect the health and safety of existing and future residents and to ensure no pollution of or detriment to the environment.

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

- dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition Activities;
- wheel wash facilities;
- noise mitigation measures;
- details of temporary lighting;
- details of enclosure of working areas;
- details of contractor parking areas and construction site accesses;

Development works shall be implemented in accordance with the approved CEMP. Reason: To protect the amenities of nearby residents and in the interests of highway safety.

04 No development, (other than demolition) shall commence until:

a) Additional site investigation works shall be undertaken to categorise the potential contamination on the site to BS10175/2011 standards. The site investigation report containing the results of any intrusive investigation shall be submitted and approved in writing by the Local Planning Authority.

b) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:

c) Following remediation 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.

d) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

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.

05 No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until the Root Protection Barrier fencing has been installed in accordance with the approved Tree Protection Plan. No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area.

Reason: To protect important landscape features within the site.

06 No operations of any description, (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development, until a detailed Arboricultural

Method Statement has been submitted to and approved in writing by the Local Planning Authority. (The Arboricultural Method Statement shall contain full details of the following:

- (a) Timing and phasing of arboricultural works in relation to the approved development;
- (b) Construction exclusion zones;
- (c) protective barrier fencing;
- (d) Ground protection;
- (e) Service positions;
- (f) Special engineering requirements including 'no dig construction' onto load bearing surfaces and how increases in ground level are to be mitigated via use of venting pipes.

The development shall be carried out in full compliance with the Arboricultural Method Statement unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect important landscape features within the site.

07 No development, to include demolition, shall commence until an Arboriculturalist has been appointed, as first agreed in writing by the Local Planning Authority, to oversee the project (to perform a Watching Brief) for the duration of the development and who shall be responsible for -

- (a) Supervision and monitoring of the approved Tree Protection Plan;
- (b) Supervision and monitoring of the approved tree felling and pruning works;
- (c) Supervision of the alteration or temporary removal of any Barrier Fencing;
- (d) Oversee working within any Root Protection Area;
- (e) Reporting to the Local Planning Authority;
- (f) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Council's Tree Officer.

Reason: To protect important landscape features within the site.

08 No development, other than demolition, shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

Reason: To ensure that the amenities of future occupiers are protected.

09 No development, other than demolition, shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the maximum day time noise level in outdoor living areas exposed to external road traffic noise shall not exceed 55 dBA Leq 16 hour [free field]. The scheme of noise mitigation as approved shall be constructed in its entirety prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity.

Reason: To ensure that the amenities of future occupiers are protected.

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

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

11 Prior to the commencement of development, a scheme, to include a programme/method statement, to eradicate Japanese Knotweed at the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To control the spread of this evasive species.

12 Prior to the commencement of development, including any demolition, a suitably qualified Ecologist shall carry out a walk over inspection of the site to identify any Slow Worms which may have entered the site. Should Slow Worms be discovered they shall be translocated from the site in accordance with the Reptile Method Statement prior to the commencement of development.

Reason: To protect the ecological interests of the site.

Pre – installation conditions

12 Prior to the installation of any street lighting full details of the lighting, to include location and orientation of lighting, shall be submitted to and approved in writing by the Local Planning Authority and then implemented as per the approved details.

Reason: To ensure light spill is limited to the trees around the site that have potential for bat activity and to ensure that the amenities of neighbouring occupiers are protected.

General conditions

13 Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the local authority. No other fill material shall be imported onto the site.

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.

14 The scheme of landscaping, tree planting and management schedule hereby approved shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of the development. Thereafter the trees and shrubs shall be maintained for a period of 5 years from the date of planting and any which die or are damaged shall be replaced and maintained until satisfactorily established. for the purpose of this condition, a full planting season shall mean the period from October to April.

Reason: To secure the satisfactory implementation of the proposal.

NOTE TO APPLICANT

01 This decision also relates to: Noise Assessment (Acoustic and Noise Ltd, March 2016), Gas Risk Assessment (Terraforma, November 2015), Flood Consequences Assessment (Cambria, January 2016), Geotechnical and Geo-environmental Report (Terraforma, September 2014), Ecology Report (Sturgess Ecology, October 2014) and Reptile Survey (Sturgess Ecology, July 2015).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP9, SP13, GP2, GP4, GP5, GP7, H4 and T4 were relevant to the determination of this application.

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

04 The Parking Standards, Planning Obligations, Wildlife and Development and New Dwellings Supplementary Planning Guidance (Adopted August 2015) were relevant to the determination of this application.

APPLICATION DETAILS

No: 15/1232 Ward: **ROGERSTONE**

Type: Full (Major)

Expiry Date: 28-JUL-2016

Applicant: **CHARTER HOUSING ASSOCIATION LTD C/O AGENT**
Site: **Land To Rear Of 146 To 196, Tregwilym Road, Rogerstone, Newport**
Proposal: **CONSTRUCTION OF 29NO. RESIDENTIAL AFFORDABLE DWELLINGS AND ASSOCIATED WORKS**

1. LATE REPRESENTATIONS

1.1 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): *Following concerns raised by a local resident that the reptile barrier had been breached and following a recent site visit by the Council's Ecology Officer:* The reptile exclusion fence hasn't been maintained and Slow Worms have returned to the site. 2 adult Slow Worms were found under a reptile sheet. The translocation needs to be undertaken again.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

2.1 The comments of the Council's Ecology Officer are noted. It is considered necessary to impose a condition requiring the applicant to undertake further translocation of the Slow Worms in accordance with a method statement which is first agreed by the Ecology Officer.

3. OFFICER RECOMMENDATION

3.1 It is recommended that the application is 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 the decision.

3.2 It is recommended that condition 12 (ecology) be deleted and replaced with the following condition:

Prior to site clearance works including removal of vegetation, any slow worms found on the site shall be translocated in accordance with a Reptile Method Statement which shall first have been submitted to and approved in writing by the Local Planning Authority.
Reason: To protect the ecological interests of the site.

3.3 Points of clarification

- Condition 12 (street lighting) shall be re-numbered as condition 13.
- Condition 13 (materials) shall be re-numbered as condition 14.
- Condition 14 (landscaping) shall be re-numbered as condition 15.

APPLICATION DETAILS

No: 16/0429 **Ward:** ALLT-YR-YN
Type: FULL
Expiry Date: 14-AUG-2016
Applicant: M ANWAR
Site: 3, OAKFIELD ROAD, NEWPORT, NP20 4LZ
Proposal: DEMOLITION OF CONSERVATORY AND ERECTION OF SINGLE STOREY REAR EXTENSION, NEW PATIO AND STEPS

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks planning permission for the erection of a single storey extension to the rear elevation at 3 Oakfield Road, in the Allt-yr-yn Ward. The application has been called in to be determined by the Planning Committee by Councillors Ferris and Evans.
- 1.2 The property is a detached dwelling set down from Oakfield Road, in a predominantly residential area characterised by a range of semi-detached and detached properties. The curtilage of the property consists of a sloped front garden with driveway and level rear garden that backs onto the rear of properties on Llanthewy Road. The site adjoins no.5 Oakfield Road to the western intervening side boundary which is higher in ground level and no.1 Oakfield Road to the eastern intervening side boundary which has a ground level approximately 0.8 metres lower.
- 1.3 A planning application (05/0340) at this property for a single storey rear extension was determined at Planning Committee in 2005. The application was granted with conditions and this application is effectively a re-submission of that application due to the lapse in planning permission after five years. The previous application was determined under the previous Unitary Development Plan policies. This current application has been assessed against the relevant Newport Local Development Plan 2011-2026 (adopted January 2016) policies.

2. RELEVANT SITE HISTORY

05/0340	ERECTION OF SINGLE STOREY REAR EXTENSION AND DEMOLITION OF REAR CONSERVATORY	GRANTED WITH CONDITIONS
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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 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 DWR CYRMU WELSH WATER: A public sewer crosses the application site and the following should be included in any planning permission granted:

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652. The developer must contact us if a sewer connection is required under Section 106 of the Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

5. INTERNAL COUNCIL ADVICE

5.1 None.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties with a common boundary with the application site were consulted (3no. properties) and one letter of objection has been received by the occupier of no.1 Oakfield Road stating the following:

- My ground level is about three feet lower than no.3. If this building goes ahead I will be faced with a large brick wall to first floor height which will detract from my outlook. There is also a very large evergreen tree on the boundary. Which means my property will be practically enclosed on that side to a considerable height. As I have an empty office building next door and a dentist in the pair of properties at the back if you decide to give permission for this extension I think I can say that I am not in a residential area as my house will be cut off.

6.2 COUNCILLORS: Councillor Evans has objected to the application due to concerns over the overbearing impact and loss of the light the proposal would have on no.1 Oakfield Road and does not believe the proposal will improve the visual amenity of the surrounding area.

6.3 Councillor Ferris has objected to the application due to the difference in ground levels between no.1 and no.3 Oakfield Road and the dominant impact that the proposal would have on the conservatory of no.3.

7. ASSESSMENT

7.1 The proposed extension would include the demolition of the existing conservatory that is currently located to the rear elevation of this detached property. The extension would provide a living room, study and bathroom/cloakroom at ground floor level. The extension would measure 9.3 metres wide, by 3.9 metres deep and would have a 'lean to' roof with a height of 2.51 metres to eaves and 3.6 metres to the highest point. The garden slopes away from the rear wall of the property and the extension would be erected on a platform of 0.70 metres in height to create a level surface to build upon. The difference between the lowest point of the platform and highest point of the extension would measure approximately 4.7 metres, which would give the overall combined height of the extension and raised area.

7.2 Fenestration would consist of two windows and a set of french doors in the rear (south facing) elevation and there are no windows proposed in either side elevation. There is a window proposed in the existing side (east facing) elevation that faces towards no.1, however this window is obscure glazed and would protect the privacy of no.1.

- 7.3 Policies GP2 (General Amenity) and GP6 (Quality of Design) of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the *'House Extensions and Domestic Outbuildings'* Supplementary Planning Guidance are relevant to the determination of this application.
- 7.4 The proposed extension would result in an increase in the built form of the property and would extend outwards from the rear elevation. The extension is not considered to impact on no.5 due to the difference in land levels with no.5 being on higher ground. No.1 however is approximately 0.8 metres lower than the application property and this should be given consideration as the difference in ground levels gives potential for impact on the neighbouring property. In this case the extension does not encroach any closer to the boundary with no.1 than the existing side wall of the house and there is a distance of approximately 2.0 metres from the east facing side wall of the proposed extension and the boundary with no.1. The approximate distance between the extension and the conservatory of no.1 is 6.0 metres and due to the scale and location of the proposed extension it is not considered to have an overbearing impact on no.1. The 45 degree splays taken on both the horizontal and vertical axis from the conservatory do not intersect with the proposed extension. The orientation of no.1 allows for the conservatory to receive direct sunlight as it is south facing. The proposed single storey extension is modest in size and is located to the west, it is therefore considered that there would be no direct loss of light to no.1 as a result. No.1 has an obscure glazed window in the side elevation facing no.3 and there is a window proposed in the side elevation of the existing house that faces no.1. The difference in ground levels and the boundary fence combined with both windows being obscure glazed is enough to consider that there would not any loss of privacy or overlooking towards either property. On balance, it is considered that the proposal is in accordance with policy GP2 (General Amenity) of the LDP.
- 7.5 The proposed extension would be located on the rear elevation of the property, would not be in view from the public realm and the proposed materials match those of the existing dwelling house. It is therefore considered that it would not have any visual impact on the surrounding streetscene and would not affect the character and appearance of the main dwelling. On balance, it is considered that the proposal is in accordance with policy GP6 (Quality of Design) of the LDP.

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 proposed single storey rear extension is considered to preserve daylight and visual amenities to neighbouring properties and is considered to be in accordance with the requirements of policies GP2 and GP6 of the Local Development Plan and the House Extensions SPG.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Drawing No. 020-01 Existing and Proposed Ground Floor Plans and Elevations.
Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based

02 No openings shall be installed in the east and west side facing elevations of the single storey rear extension hereby approved without the prior written permission of the Local Planning Authority.
Reason: To protect privacy to adjoining occupiers.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Drawing No. 020-01 Existing and Proposed Ground Floor Plans and Elevations.

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

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

04 The proposed development site is crossed by a public sewer with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652. The developer must contact us if a sewer connection is required under Section 106 of the Water

Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

APPLICATION DETAILS

No: 15/1531 Ward: PILLGWENLLY

Type: OUTLINE (MAJOR)

Expiry Date: 08-MAR-2016

Applicant: P LANDERS, NEWPORT YMCA

Site: PLAYING FIELD TO REAR OF YMCA CONFERENCE CENTRE, MENDALGIEF ROAD, NEWPORT

Proposal: ERECTION OF UP TO 55NO. DWELLINGS WITH ASSOCIATED ACCESS AND OPEN SPACE

Recommendation: REFUSED

1. INTRODUCTION

- 1.1 This site comprises the grounds of the Newport YMCA Conference Centre, Mendalgief Road, Newport. The existing conference centre building itself is located adjacent to the application site boundary on its eastern side, with the application site comprising the existing football pitch and associated stand, multi-use games area (MUGA), and area of overgrowth to the site's south western and south eastern boundaries.
- 1.2 The site area amounts to 1.29 hectares and is allocated as Environmental Space in the Newport Local Development Plan 2011-2026 (Adopted January 2015) as formal, but privately owned outdoor sport and play provision.
- 1.3 This is an outline application for the residential development of the land for up to 55No dwellings, with matters relating to appearance, landscaping, layout and scale reserved for subsequent determination. Means of access is submitted for consideration as part of this application.

2. RELEVANT SITE HISTORY

93/0448	DEVELOPMENT DIY DEPOT FOR RETAIL SALES	Refused
94/0121	RETAIL DEVELOPMENT INCLUDING ASSOCIATED CAR PARKING SERVICING AND LANDSCAPING (Outline)	Refused (Allowed at appeal)
96/0566	DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF TWO STOREY BUILDING, CHANGING ROOMS, YOUTH CLUB, MULTI PURPOSE AND FIRST FLOOR LOUNGE AND BAND AND COMPUTER ROOMS	Granted with Conditions
99/0507	CREATION OF MULTI SPORTS AREA (HARD SURFACE) WITH SIX METRE HIGH LIGHTING POSTS ENCLOSED BY CHAIN LINK FENCE	Refused
08/0350	ERECT FLOODLIGHTS TO EXISTING FOOTBALL PITCH	Granted with Conditions

3. POLICY CONTEXT

- 3.1 **Newport Local Development Plan 2011-2026 (Adopted January 2015), "the LDP"**
Policy SP1 Sustainability favours proposals which make a positive contribution to sustainable development.
Policy 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.

Policy SP10 Housing Building Requirements states that provision is made for 11,623 units within the plan period in order to deliver a requirement of 10,350 units. The plan seeks to deliver 2,061 affordable units.

Policy SP12 Community Facilities promotes development of new community facilities such as places of worship, cemeteries, health centres, nurseries, museums, public halls, cinemas, concert halls, allotments, leisure use etc. Development that affects existing community facilities should be designed to retain or enhance essential facilities.

Policy SP13 Planning Obligations enables contributions to be sought from developers that will help deliver infrastructure which is necessary to support development.

Policy 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.

Policy 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.

Policy 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.

Policy 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.

Policy 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.

Policy GP7 General Development Principles – Environmental Protection and Public Health states that development will not be permitted which would cause or result in unacceptable harm to health.

Policy CE3 Environmental Spaces and Corridors safeguards environmental space and corridors as identified on the Proposals Map. Development of environment space will only be permitted where the existing space will be improved or complemented; there is no adverse impact on nature conservation interest; there is an appropriate replacement; or it can be demonstrated that there is an excess of environmental space.

Policy CE8 Locally Designated Nature Conservation and Geological Sites includes the protection of Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNRs) and Regionally Important Geological/Geomorphological Sites (RIGS). The policy limits development affecting these sites unless there would be no significant impact or appropriate mitigation/compensation can be agreed.

Policy H2 Housing Standards promotes high quality design taking into consideration the whole life of the dwelling.

Policy H3 Housing Density seeks a density of at least 30 dwellings per hectare on sites of 10 dwellings or more.

Policy H4 Affordable Housing sets out the affordable housing targets for the four submarket areas within Newport. For new housing sites of fewer than 10 dwellings within the settlement boundary, and fewer than 3 dwellings within the village boundaries, a commuted sum will be sought.

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

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 CF2 Outdoor Play Space Requirements states that when development results in the loss of open space or there is a requirement for additional open space, provision in accordance with the Fields in Trust Standard will be sought.

Policy CF12 Protection of Existing Community Facilities resists the loss of existing community buildings unless alternative provision is made or it is demonstrated that the building is surplus to the needs of the community.

3.2 ***Newport City Council Affordable Housing Supplementary Planning Guidance (Adopted August 2015).***

3.3 ***Newport City Council New Dwellings Supplementary Planning Guidance (Adopted August 2015).***

3.4 ***Newport City Council Planning Obligations Supplementary Planning Guidance (Adopted August 2015).***

3.5 ***Newport City Council Wildlife and Development Supplementary Planning Guidance (Adopted August 2015).***

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

3.1.2 states that applications for planning permission should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise.

3.1.6 states that, unless otherwise specified, a planning permission runs with the land and it is seldom desirable to provide for any other arrangement. Exceptionally, even though such considerations will rarely outweigh the more general planning considerations, the personal circumstances of occupiers, personal hardship or the difficulties of businesses which are of value to the local community, may be material to the consideration of a planning application.

3.7.1 states that planning obligations are useful arrangements to overcome obstacles which may otherwise prevent planning permission from being granted. Contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable.

3.7.10 states that planning obligations should only be sought where they are necessary to make a proposal acceptable in land use planning terms.

4.2.2 states that the planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time.

4.9.1 states that previously developed (or brownfield) (as defined in figure 4.4) land should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value.

4.11.8 states that good design is essential to ensure that areas, particularly those where higher density development takes place, offer high environmental quality, including open and green spaces. Landscape considerations are an integral part of the design process and can make a positive contribution to environmental protection and improvement, for example to biodiversity, climate protection, air quality and the protection of water resources.

9.1.2 Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing.

Local planning authorities should promote:

- mixed tenure communities;
- development that is easily accessible by public transport, cycling and walking
- mixed use development so communities have good access to employment, retail and other services;
- attractive landscapes around dwellings, with usable open space and regard for biodiversity, nature conservation and flood risk;
- greater emphasis on quality, good design and the creation of places to live that are safe and attractive;
- the most efficient use of land;
- well designed living environments, where appropriate at increased densities;

9.3.1 states that new housing developments should be well integrated with and connected to the existing pattern of settlements.

11.1.10 states that the planning system should ensure that adequate land and water resources are allocated for formal and informal sport and recreation, taking full account of the need for recreational space and current levels of provision and deficiencies, and of the impact of developments related to sport and recreation on the locality and local communities.

11.1.11 states that formal and informal open green spaces, including parks with significant recreational or amenity value, should be protected from development, particularly in urban areas where they fulfil multiple purposes, not only enhancing the quality of life, but contributing to biodiversity, the conservation of nature and landscape, air quality and the protection of groundwater.

11.1.12 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 of 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.

11.3.3 states that authorities need to consider the effects of sport and recreation on neighbouring uses in terms of noise, light emissions, traffic generation and, in the case of larger developments, ease of access and the safety of residents, users and the public

3.7 ***Technical Advice Note 5: Nature Conservation and Planning (September 2009)***

3.8 ***Technical Advice Note 16: Sport, Recreation and Open Space (January 2009).***

4. CONSULTATIONS

4.1 DWR CYMRU/WELSH WATER: No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site. No problems are envisaged with the provision of water supply for this development. Recommend conditions and advisories.

4.2 SOUTH WALES FIRE SERVICE: No response.

4.3 WALES & WEST UTILITIES: Advise of apparatus in the area and request that the developer contact them in the event permission is granted to discuss their requirements.

4.4 SPORT WALES: Reference is made to the relevant planning policy in Planning Policy Wales. Paragraph 11.1.12 states that playing fields should be protected except where:

- facilities can best be retained and enhanced through the redevelopment of 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.

Since the application provides no information satisfying the above policy Sport Wales would object to the application. I confirm that Fields in Trust has discussed the application with Sport Wales and supports this objection.

- 4.5 AMBULANCE SERVICE: No response.
- 4.6 PILLGWENLLY COMMUNITIES FIRST: No response.
- 4.7 NEWPORT CIVIC SOCIETY: No response.
- 4.8 NEWPORT ACCESS GROUP: No response.
- 4.9.1 NATURAL RESOURCES WALES: No objection, but provide the following advice;
- 4.9.2 *European Protected Species*
We have reviewed the 'Extended Phase 1 Habitat Survey – Land off Mendalgief Road, Newport' prepared by WYG Ecology dated November 2015. We note the recommendations in Chapter 5 – Ecological Constraints and Recommendations with regards to protected and notable species and advise these are implemented. Please note that we have not considered possible effects on all species and habitats listed in section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan, or other local natural heritage interests.
- 4.9.3 *Flood Risk*
The proposed development site lies partially within Zone B as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). We recommend that you consult with your Authority's Drainage Engineers who may be able to provide information on issues such as localised flooding from drains, culverts and small watercourses.
- 4.9.4 *Further Advice*
We note from the Extended Phase 1 Habitat Survey that Japanese Knotweed has been recorded on the site boundary. Invasive non-native species can cause problems for native UK species and reduce biodiversity (the variety of living organisms). Japanese knotweed can block footpaths and damage concrete, tarmac and the stability of river banks. Your Authority may wish to secure through a condition the submissions of a method statement to be agreed by you ecologist and put appropriate control measures in place regarding the invasive species Japanese Knotweed present. The method statement should include measures that will be used to prevent the spread of the species during any operations e.g. mowing, strimming or soil movement.
- 4.10 GWENT POLICE: No response.
- 4.11 FIELDS IN TRUST (FIT) CYMRU: No direct response, but support Sport Wales' objection.
- 4.12.1 GWENT WILDLIFE TRUST: No objection to the above development, but make the following comments; We support the recommendations of the extended Phase 1 report:
- 4.12.2 *Bats*: All UK species of bat are protected by the Habitats Regulations (2010, as amended). We expect conditions regarding soft-felling of category 2 trees, lighting plan to maintain dark corridors around the site, further survey if any additional trees are to be felled, and a prohibition of breathable roof membrane (BRM). We would also like to recommend installation of bat boxes, bricks and/or tiles on houses and trees. The developer should also be advised that if a bat is found, works should cease immediately and Natural Resources Wales contacted for advice.
- 4.12.3 *Badgers and Hedgehogs*: We support the recommendation for a badger survey immediately prior to commencing development. During development, any open pits or trenches should be covered or ramps provided to protect foraging mammals. After development, boundary treatments should

include access points (minimum 13x13cm) for hedgehogs to allow for foraging. Reduced foraging access is thought to be a main reason for hedgehog population decline.

- 4.12.4 *Reptiles*: All UK species of reptile are protected by the Wildlife and Countryside Act (1981, as amended). TAN 5 (2009) states that *'It is considered best practice that such a survey is carried out before a planning application is submitted. Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval.'* However, there is also some guidance from English Nature which states that *'you may not need a new survey if your ecological advisors are confident that, based on existing information and a habitat assessment, the impacts of the development will be minimal, and that further survey information would neither change this view nor significantly modify mitigation proposals.'* (IN15.1 Reptiles: Guidelines for Developers, English Nature 2004). In this case, given the small area of habitat available for reptiles, it is unlikely that the survey results would modify any mitigation proposals. We therefore support the requirement for a planning condition for a Reptile Mitigation Strategy.
- 4.12.5 *Birds*: We support conditions for vegetation clearance outside of the birds breeding seasons, and for installation of bird boxes. We would welcome specialised nest boxes on houses as well as general boxes on retained trees.
- 4.12.6 *Invasive species*: We support conditions for the removal and safe disposal of Japanese Knotweed.
- 4.12.7 *Habitats*: Retained habitats should be protected to BS 5837 during construction, and the nearby watercourse should be protected from pollution and siltation.
- 4.12.8 We would welcome conditions for a detailed landscape plan. As the planning system should *'look for development to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally'* (TAN 5 2009), landscaping can provide a mechanisms for delivering biodiversity enhancement. This could include:
- Reinforcing the corridor of trees and shrubs along the western boundary, by planting a mixture of native trees and shrubs, especially those with flowers, berries and nuts.
 - Using 'pollinator-friendly' planting in formal areas and along the green corridor to support invertebrates. Flowers should have open forms to allow pollinators to access nectar. Both native and non-native plants can be beneficial for pollinators, although native species are likely to support more invertebrates overall.
 - Consider the incorporation of SUDS, such as ponds, swales and wetlands.
 - Use wildlife friendly planting in curtilage and boundary treatments. Dense planting for shelter and plants that produce fruit, accessible seeds and nuts are beneficial for birds, small mammals and invertebrates.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (TREE OFFICER): Requests confirmation on trees to be felled.
- 5.2 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPE OFFICER): I have no objections at this early layout stage. However, I shall need to see fully detailed, structural landscape proposals included as an important element of the detailed design stage, to ensure that an aesthetically pleasing and useable 'green' environment is provided for future residents.
- 5.3.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): I'm satisfied that visibility splays of 2.4 x 43m will achievable at the proposed access subject to the cutting back of vegetation along Usk Way. I note that the applicant has shown a potential pedestrian access onto Mendalgief Road. It's considered that a pedestrian access should be provided in order to provide permeability through the site and to link the proposed site into the surrounding residential area.

5.3.2 The applicant has identified that parking must be provided in accordance with the Newport City Council Parking Standards and also included a sustainability assessment to justify a reduction in parking. Parking must be provided in accordance with current standards and therefore the number of spaces required, along with any possible reductions, will be considered following submission of a full or reserved matters planning application.

5.3.3 Any full or reserved matters application must address the above points and also any layout should take on the principles of manual for street 1 and 2. I would offer no objection for the application for outline approval.

5.4 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY OFFICER): I do not object to the application providing the following conditions are attached to any permission you may be minded to grant.

1. A reptile mitigation strategy will need to be submitted and agreed prior to commencement of any works. The ecology report provided by WYG states that it is likely that reptile will be using the site and a small population may be impacted upon as a result of this development. In light of this I would recommend that a reptile translocation be undertaken to an agreed site (receptor site to be agreed with NCC Ecology Officer). As with other sites where reptiles have been present in line with the Wildlife and Development SPG compensation for loss of habitat will be required at a rate of 1:1:5. Therefore the area of grassland loss will amount 0.3hectares, which would result in in approx. 0.45hectares (off site) being managed as a wildflower meadow (one cut end of summer, arising's removed) for a period of at least 5 years. This will need to be agreed through a Section 106 agreement. I would recommend if you are minded to grant planning permission that the translocation be undertaken this year as to prevent delays in the future. If works are not proposed until 2017 then reptile exclusion fencing could be erected to prevent reptile migrating back on to the site and the habitats on site should be managed to deter reptiles;
2. A lighting plan will need to be submitted and agreed prior to commencement of works. This will need to maintain dark corridors around the site for foraging/mobile species such as bats;
3. I agree with the Ecology report that an updated badger survey should be completed one month before commencement of works. I will need a copy of this survey before this condition can be discharged and therefore prior to commencement of works;
4. A Japanese knotweed eradication plan will need to be submitted and agreed prior to commencement of works;
5. Scrub clearance should be undertaken outside bird nesting season (Feb-Aug). If this is not possible then an experienced ecologist will need to check the areas of scrub prior to clearance to ensure that no nests are to be impacted upon. If nests are found then works in that particular should cease until the chicks have fledged;
6. The trees identified as being Category 2 will need to be felled using a soft felling technique to ensure that if any bats are using the tree potential impacts can be mitigated;
7. An ecological liaison person will need to be appointed to oversee all ecological works on the site and to liaise with the NCC Ecology Officer regarding works on the site. Regular updates will be required.
8. Details of ecological enhancement should be submitted and agreed;

5.5 HEAD OF STREETSCENE AND CITY SERVICES (DRAINAGE MANAGER): Whilst the strategy proposes two options for drainage – no definitive drainage details have been provided.

5.6.1 PUBLIC PROTECTION MANAGER: **Initially commented;**

I have concerns regarding the impact of industrial/commercial noise on the proposed residential dwellings and at this stage I am unable to recommend that planning permission is granted. The noise assessment submitted with this application has not been carried out in accordance with BS4142 2014 as advised in pre application enquiries. Nonetheless the report identifies that the proposed residential dwellings will be affected by noise from the service yards of Mendalgief Retail Park and Newport Truck Services and that all habitable areas will require a scheme of sound insulation (openable glazing and ventilation) in order to protect amenity.

5.6.2 The applicant should submit a revised noise assessment in accordance with BS4142 2014 in order to determine the impact of industrial and commercial noise sources (existing and proposed) on the proposed dwellings. The raw data used to inform the report should also be submitted together with important observations regarding the source of noises which may affect the development e.g. early morning deliveries, plant noise, use of equipment etc. A scheme of suitable mitigation for gardens and internal habitable rooms must also be included in order to demonstrate that the proposals for residential development are suitable. Where residential dwellings are affected by noise of an industrial/commercial nature, openable windows are not acceptable.

5.6.3 **The agent then submitted a letter, dated 1st July 2016, in response to this issue (amongst others). The contents of that response have been reviewed by the Council's Public Protection Manager, who subsequently commented;**

Unfortunately the assessment submitted does not provide the information requested in my previous comments and does not alleviate my concerns regarding these proposals. The additional assessment contains predictions of noise based on source noise data and measurements undertaken at a similar facility rather than actual observations on site. Such observations are necessary in order to determine the noise sources which may impact on the proposed development and what acoustic features may be present which will affect the outcome of the BS4142 calculations. Therefore as per my email of the 4th March 2016, further information is required including observations of noise sources which may affect the site. The raw data also requested previously must be included in the assessment.

5.6.4 Additionally, the assessment relies on mitigation measures detailed in the original report which are only acceptable where the noise source is anonymous i.e. traffic noise sources. If the development is affected by commercial/industrial noise sources alternative site layout and internal room arrangements may need consideration, depending on the outcome of the noise assessment.

5.6.5 I would therefore not recommend that planning permission is granted until the required information is submitted.

5.7.1 PLANNING POLICY MANAGER:

Principle of development

The construction of dwellings inside the settlement boundary is acceptable in principle.

5.7.2 *Affordable housing*

In accordance with policy H4 of the LDP, the council requires 30% of the development to be affordable (17 dwellings).

5.7.3 *Loss of playing fields*

It is noted that the onsite MUGA will be lost, however a replacement 'like for like' facility will be constructed on land adjacent to the proposed new dwellings. This is supported. Whereas there is mention of the replacement MUGA, the planning application makes no reference to the loss of playing fields. As noted above, national and local policy requires the protection of playing fields, no matter whether they are in private or public ownership. The developer will need to address this issue if the application is to progress.

A recent assessment demonstrates that there is a shortfall of equipped and formal play in the area. Therefore the loss of the playing fields cannot be justified on the basis of excess provision. The Planning Contributions manager has suggested that the loss of playing fields can be compensated through the provision of funding to provide new facilities serving the area.

5.7.4 *Conclusion*

The principle of development is acceptable in principle; however the loss of a playing field must be properly compensated. How the loss will be compensated has not been made clear at this stage. As a result, a planning policy objection is lodged against this application. In order for the

objection to be removed, the developer must satisfactorily identify how the loss of playing fields will be mitigated. This could be through an appropriate S106 contribution.

5.8.1 **PLANNING CONTRIBUTIONS MANAGER:** The following S106 planning obligations are based upon the following assumptions; An outline planning application indicatively proposing 55 dwellings, comprising:

- 39 Market Housing Units – 8 x 3 bed houses; 23 x 2 bed houses; 7 x 1 bed flats.
- 17 (30%) Affordable Housing Units – 17 x 1 bed flats.

Notwithstanding any requirements for Highways, Transportation and Ecology, the following planning obligations are required;

5.8.2 *Affordable Housing*

17 dwellings (30% of the development) would be required to be affordable housing (at no more than 50% of the Acceptable Cost Guidance). The prevailing housing need in the area is for both 1 and 2 bed room apartments. Properties will be offered on a 'neutral tenure' basis providing opportunities for applicants to rent or part-purchase their home. The properties will be allocated through the Common Housing Register. All properties shall be constructed to at least the same specification as the open market units, including all internal and external finishes. They will all achieve the Development Quality Requirement, Lifetime Homes Standards and Secure by Design as specified by Welsh Government or such document updating or replacing the same.

5.8.3 *Education* *Primary*

The development is served by Maesglas and Pillgwenlly Primary Schools. Taking into account the scale and type of development and 'School Capacity', an indicative contribution of £161,150 is required.

Secondary

The development is served by Duffryn High School. Taking into account the scale and type of development and 'School Capacity', an indicative contribution of £130,112 is required.

However, given the outline nature of the planning application, the following formula will be applied to any subsequent related Reserved Matters planning application:

- Number of secondary pupils generated by 'open market' housing (at date of signing the legal agreement) in excess of School Capacity at Duffryn High School x £15,302 = Secondary Education Sum;
- Number of post 16 pupils generated by 'open market' market housing (at date of signing the legal agreement) in excess of School Capacity at Duffryn High School x £16,427 = Post 16 Education Sum;
- Number of primary pupils generated by 'open market' housing (at date of signing the legal agreement) in excess of School Capacity at St Woolos and Maesglas Primary School x £16,115 = Primary Education Sum.

All Education Sums will be index linked to the BCIS and paid in instalments related to occupancy rates.

5.8.4 *Leisure*

Owing to the surplus of 'Informal' play provision within the Pillgwenlly Ward, no contributions are requested for 'Informal' play. However, there is a deficit of 'Equipped' and 'Formal' play provision within the Pillgwenlly Ward. The proposed development itself generates a commuted sum of £146,317 to upgrade and maintain off-site 'Equipped' and 'Formal' play at Pillgwenlly Playing Fields. However, given the outline nature of the planning application, the following formula will be applied to any subsequent related Reserved Matters planning application:

- Number of one bed 'open market' flats x £1,821;
- Number of two bed 'open market' flats x £3,816;
- Number of two bed 'open market' houses x £3,816;
- Number of three bed 'open market' houses x £5,724;

- Number of four bed 'open market' houses x £7,632.

In addition, there is a requirement to mitigate the loss of the current playing field. Planning Policy Wales (Paragraph 11.1.12) states that playing fields should be protected except where:

- facilities can best be retained and enhanced through the redevelopment of 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

As such, a sum of £222,309 is required to replace and maintain a playing field on the site of Pill Playing Fields. All Leisure Sums will be index linked to the Retail Price Index and paid in instalments related to occupancy rates.

5.8.5 *Ecology*

Undertake a reptile translocation by a suitably qualified ecological consultant (receptor site to be agreed with NCC Ecology Officer). The Wildlife and Development SPG states that compensation for loss of habitat will be required at a rate of 1:1:5. Therefore the area of grassland loss will amount 0.3hectares, which would result in in approx. 0.45hectares (off site) being managed as a wildflower meadow (one cut end of summer, arising's removed) for a period of at least 5 years. As such, a commuted maintenance sum of £6,477 will required upon occupation of the first dwelling.

5.8.6 *Monitoring Fees*

A Monitoring Fee of £741 will be required to cover the Council's cost of negotiations and on-going monitoring of the S106 planning obligations. Payment due upon signing of the S106 legal agreement.

5.9 LEISURE SERVICES MANAGER: I would be concerned regarding the replacement of the football pitch in that there is insufficient space currently available on site at the Pill Millennium Centre to facilitate the installation of an additional pitch. However, should sufficient funding become available to completely renovate the whole of the site, it may then be possible to increase the number of pitches currently available.

5.10 HOUSING DEVELOPMENT MANAGER: I can confirm that the proposal to provide on-site affordable housing is to be welcomed, however the prevailing housing need in the area is for both 1 and 2 bed room apartments and if this could be incorporated into the proposal that would be beneficial. Purely 1 bed room apartments can result in a slightly more transient population and can therefore be a little more challenging to manage, a mixture of 1 and 2 bed room apartments provides a more balanced community. The properties would need to meet the appropriate Welsh Government standards and be transferred to an RSL zoned for Newport at a cost of no more than 50% of the acceptable cost guidance for the area.

5.11 CHIEF EDUCATION OFFICER: No response.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (15No properties), a site notice displayed and a press notice published in South Wales Argus. No representations were received.

7. ASSESSMENT

The site

7.1 The site lies in an area of mixed commercial and residential uses, with the Newport West Retail Park, Mendalgief Retail Park, the timber and brickyards on Usk Way nearby and residential units at Monbank development site and the surrounding Pill area. The land on which the development is proposed forms part of the YMCA community centre located on Mendalgief Road as a playing field and MUGA. The land is sited to the rear of the existing building, adjacent to the 'Newport West Retail Park' on Docks Way and is then bounded to the south by former section of Usk Way (which was a prime route prior to the construction of the Southern Distributor Road). The access

to the proposed site would be from this section of Usk Way, with secondary pedestrian access proposed onto Mendalgief Road. There is also a large electricity pylon adjacent to the site.

7.2 As is shown in the site history above, the recreational land belonging to the YMCA has previously been subdivided and sold for the development of the Newport West Retail Park, as granted permission at appeal under reference number 94/0121. During that appeal, the appellant's statement of case outlined that *"Newport YMCA has comprehensive plans for the improvement of its Pill Centre site which will be of benefit to the local community. The appeal proposal is an integral element of those plans..."*, with the sale of the land funding the later redevelopment of the YMCA building, as granted permission by application 96/0566.

7.3 The agent states that the pitch is utilised relatively infrequently for approximately 30 days a year, which would seem consistent with hosting a football team's home matches and training sessions over the course of a season, and that the pitch and MUGA are not currently available for general community use.

The proposed development

7.4 The development of the site is shown indicatively on the site layout plan, given the outline nature of this application. The development proposes up to 55No dwellings, including at least 30% affordable housing, at a density of approximately 45 dwellings per hectare. It would also see the creation of a new and improved, publicly accessible MUGA in the north-eastern corner of the site, adjacent to the existing YMCA building. A portion of open space would be provided adjacent to the new MUGA to provide a noise and light buffer to the new residential units. Other parcels of open space, including a Local Area of Play (LAP) are proposed to be provided at various locations throughout the site.

7.5 Development would be between 2-3 storeys in height along the site perimeter and in the central area, with the units described as being inward facing to ensure a positive internal interface and to avoid less favourable views to surrounding commercial uses.

7.6 The indicative building numbers their parameters are set out in the table below.

Unit	No of units	Height	Width	Length
1-bed flats (three storey block)	24	10.5m-11.5m	22.5m-27.5m	10.5m-14m
2-bed house (two storey)	23	7.5m-8.5m	4.6m-5.6m	7m-8m
3-bed house (two storey)	5	7.5m-8.5m	5m-6m	7.3m-8.9m

YMCA

7.7 Newport YMCA is an independent local charity which is funded through a combination of investment income, voluntary contributions and charitable fundraising work. The charity is facing financial difficulties following reduced support from various sources and withdrawal of funding streams, with income generated from letting out of meeting rooms and conference space not sufficient to sustain the charity's work. This application is submitted with the view of rationalising the charity's assets, with the capital receipt from the sale of the land being reinvested into the charity to allow its continued work in the local community. The agent claims that the sale of the land would secure the long-term viability of the charity.

7.8 Although commercial interests are not normally a material planning consideration, paragraph 3.1.6 of PPW sets out that...

"Unless otherwise specified, a planning permission runs with the land and it is seldom desirable to provide for any other arrangement. Exceptionally, even though such considerations will rarely outweigh the more general planning considerations, the personal circumstances of occupiers,

personal hardship or the difficulties of businesses which are of value to the local community, may be material to the consideration of a planning application. In such circumstances, permission may be granted subject to a condition that it is personal to the applicant. Authorities should bear in mind that personal permissions will hardly ever be justified for works or uses that will remain long after the personal circumstances of the applicant have changed". Similarly, LDP policy SP12 states that *"Development that affects existing community facilities should be designed to retain or enhance essential facilities"*.

- 7.9 Any permission granted could not be a personal permission, as it relates to the residential development of the land by a third party, who will have purchased the land from Newport YMCA for a capital sum. However, in making a determination on the application, the benefit of this capital sum to the charity (which is of a benefit to the local community) must be borne in mind.
- 7.10 As explained, the YMCA is said to be facing financial difficulties, with the capital sum from the sale of the land to be used to secure its future. Details regarding; the financial difficulties faced, how the sum would be used and how long it would secure the charity's future for have been requested. However, the response was that *"The sale of the land is not intended to sustain the charity in the sense of paying its bills over a period of time until the money runs out. That would be an inappropriate way of managing the resources of the charity. The capital receipt from the sale of the application site would allow funds to be reinvested into the charity"*. It is elaborated that it would provide an investment fund that will be put into a sustainable and income generating project, and that the YMCA intend to develop a currently under-utilised portion of the building as a financially sustainable social enterprise - a long term income generating project which will secure the future of the YMCA for the foreseeable future.
- 7.11 Considering the weight being given by the agent to this argument, it is considered essential that the Council be fully aware of the financial difficulties being faced by the charity before it can take this into consideration, and how any funds generated from the sale of the land would be ringfenced in order to ensure that they are reinvested into the local community, rather than absorbed by the wider YMCA organisation. Regrettably this information has not been provided and the hardship being faced by the charity has not been demonstrated. This lack of information weakens the weight that can be attached to this particular consideration.

Previously developed land

- 7.12 Both PPW and the policy SP1 and Council's LDP express a preference for the development of previously developed (brownfield) land (PDL), over the development of greenfield land. The definition of previously developed land is set out in figure 4.4 of PPW, which states that land within the curtilage of a permanent structure is included, but the attached note explains that *"where a footprint of a building only occupies a proportion of a site of which the remainder is open land (such as a hospital), the whole site should not normally be developed to the boundary of the curtilage. The local planning authority should make a judgement about site layout in this context, bearing in mind other planning considerations such as policies for the protection of open space, playing fields or development in the countryside"*. Excluded from the definition of PDL is land in built-up areas which has not been previously developed, even though they may contain certain urban features, such as paths and pavilions.
- 7.13 Although it is adjacent to the existing building and it may be argued that it forms part of its curtilage, the scale of the land in question and its current use as a playing field leads to the conclusion that it does not constitute PDL taking into account of the definition as set out in PPW and the attached notes, although it is within the settlement boundary.

Affordable Housing

- 7.14 The actual level of affordable housing provision on site is yet to be finalised, but it will be at least 30% of the total units. The agent has stated that a 100% affordable scheme would be preferred, which would also allow exemption from planning contributions towards Leisure and Education. However, the Council would not approve a scheme which provided in excess of 50% affordable units as it would fail to create a mixed, balanced community. However, the precise levels of

affordable housing and associated contributions towards leisure and education can be calculated at reserved matters stage.

Open Space and Leisure

- 7.15 The Council's Planning Obligations SPG sets out the expected levels of open space for development sites and states that *"Provision of a satisfactory level and standard of outdoor play space should be sought on new housing developments where it can be demonstrated that a new housing development would exert additional pressure on existing facilities. Outdoor play space will be sought on all residential developments of five units or more"*.
- 7.16 On-site open space is proposed in the form of a replacement MUGA, informal space adjacent to the MUGA, various smaller parcels at the site entrance and the LAP adjacent to the pylon at the southern end of the site. Although there is a surplus of informal space within the Pillgwenilly ward, there is a deficit of equipped and formal play provision. As such, it has been calculated that the development generates a requirement of 245.75m² of 'equipped' play space, and 1307.26m² for 'formal' play space, a combined total of 1,552.99m². The agent outlines that the LAP would provide 300m² of 'equipped' space and that 1,750m² of 'formal' play space would be provided (500m² MUGA and 1,250m² space adjacent to the MUGA).
- 7.17 However, the area adjacent to the MUGA does not constitute 'formal' play space, but informal play space, of which there is an excess in the ward. As such, the on-site provision of 'formal' play space equates to just the 500m² of the MUGA. Therefore the total open space provision of equipped and formal play space totals 800m² (MUGA and LAP), short of the required 1,552.99m². It should also be noted that as the MUGA is a replacement for an existing on-site MUGA, the additional provision provided by the new MUGA is negligible. Despite this, the replacement MUGA will be significantly upgraded and also be available for public use, it is claimed. Considering the betterment on offer with the upgraded, publicly available MUGA, and the provision of the LAP and areas of informal play space, it is considered that the on-site open space provision proposed would be acceptable in this instance to cover the requirement generated by the development itself.

Loss of Playing Field

- 7.18 One of the main impacts of the development would be the loss of the playing field on which the development is proposed. As previously mentioned, the playing field is part of the YMCA ground and is used by the semi-professional Newport YMCA Football Club for approximately 30 days a year. The land in question is not only a playing field, but is designated as 'Environmental Space' in the LDP. As such, policies CF1 and CE3 of the LDP are of relevance, as set out below.
- 7.19 Policy CF1 relates to protection of playing fields, and states;
"THE REDEVELOPMENT FOR OTHER PURPOSES OF PLAYING FIELDS, OTHER LAND AND BUILDINGS USED FOR SPORT, RECREATION, AREAS OF PLAY AND COMMUNITY USES, WILL ONLY BE PERMITTED WHERE:
i) *ALTERNATIVE PROVISION OF THE SAME BENEFIT IS MADE AVAILABLE IN THE IMMEDIATE LOCALITY; OR*
ii) *THE LAND OR BUILDING(S) IS SURPLUS TO REQUIREMENTS"*.
- 7.20 Policy CE3 relates to protection of Environmental Spaces, and states;
"IN AND ADJOINING THE URBAN AND VILLAGE AREAS, AND IN AREAS IDENTIFIED FOR COMPREHENSIVE DEVELOPMENT, SITES HAVING EXISTING IMPORTANCE FOR THEIR VISUAL QUALITIES, AS WILDLIFE HABITATS OR FOR RECREATIONAL OR AMENITY PURPOSES, WILL BE SAFEGUARDED AS "ENVIRONMENTAL SPACES AND CORRIDORS". DEVELOPMENT IN THESE SPACES WILL BE PERMITTED ONLY WHERE:
i) *THE EXISTING OR POTENTIAL ENVIRONMENTAL QUALITIES OF THE SITE WILL BE IMPROVED OR COMPLEMENTED;*
ii) *THERE IS NO ADVERSE IMPACT ON INTERNATIONAL, EUROPEAN, NATIONAL, REGIONAL OR LOCAL NATURE CONSERVATION INTEREST;*

iii) THERE IS NOT A LOSS, WITHOUT APPROPRIATE REPLACEMENT, OF A RECREATIONAL, OPEN SPACE, OR AMENITY RESOURCE FOR THE IMMEDIATE LOCALITY UNLESS IT CAN BE DEMONSTRATED THAT THERE IS AN EXCESS OF PROVISION OR FACILITIES CAN BE ENHANCED THROUGH DEVELOPMENT OF A SMALL PART OF THE SITE.

PROPOSALS TO ENHANCE OR IMPROVE EXISTING ENVIRONMENTAL SPACE PROVISION WILL BE ENCOURAGED WHERE PRACTICABLE. ADDITIONAL PROVISION WILL BE SOUGHT IN AREAS WHERE A DEFICIT HAS BEEN IDENTIFIED". (officer's emphasis)

- 7.21 Similarly, paragraph 11.1.12 of PPW 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 of 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".

The agent's argument

- 7.22 In reference to policy CE3(i) and (ii); it is stated that the site exhibits little environmental quality and the application is supported by a Phase 1 ecological survey which sets out the ecological constraints and mitigation for the site (this is discussed further in paragraphs 7.38-7.42). Further, referring to CE3(iii), it is argued that the development would not result in a loss of facilities as they are "effectively private, insofar as they offer no wider public benefit", and that the new MUGA would in fact enhance community facility provision as it would be publicly available, unlike the current playing field and MUGA, which would equate to an enhancement of the existing facilities through the development of a small part of the site.
- 7.23 The argument continues, in relation to policy CF1, stating that the pitch offers no benefit to the local community (being private) and that the land is surplus to requirements. It was initially outlined that the YMCA football club was to be relocated, and therefore the playing field was surplus to requirements, although further details relating to the relocation could not be provided when requested by officers. The football club has since been relegated from the Welsh football league, which, it is argued, casts doubt on the future of the football club altogether, adding to the argument that the pitch is surplus to requirements. It is also stated that alternative provision, as required by policy CF1, is proposed through the delivery of formal play space on site.
- 7.24 Therefore, to conclude the agent's argument on this matter, it is argued that the upgraded, publicly available MUGA and on-site open space would provide alternative provision to the playing field and existing MUGA, that the new MUGA would enhance the existing facilities on site and benefits to the local community as the current pitch is private and offers no community access or benefit, and that the playing field itself is surplus to requirements. The agent therefore considers that the proposal is policy compliant.

Officer's argument

- 7.25 TAN16 states that outdoor facilities like playing fields can provide significant health and environmental benefits for the community, and particular regard should be given to the needs of communities which have poor provision of open space and recreation facilities and to those of socially and economically disadvantaged communities.
- 7.26 The Council's ward profile for Pillgwenlly has used the Field in Trust (FiT) benchmark standards to assess the level of outdoor sport and play provision in the ward, which helps identify areas lacking in provision. It identifies the application site as 'formal open space provision' contributing towards the provision of formal open space within the ward. It finds that the Pillgwenlly ward has provision of 6.3 hectares of formal open space, which is 5.41 hectares short of the FiT requirement of 11.71 hectares. As outlined earlier, the ward is also subject to a shortfall in equipped open space. Therefore, to allow residential development on the application site would

further reduce both the formal and overall provision of open space within the ward, to the detriment of the local community.

- 7.27 PPW states that whether or not a playing field is owned publicly, privately or by voluntary organisations is irrelevant to the protection afforded to it or the policy requirements for their development. Those policies being that development will not be permitted unless facilities can be retained or enhanced through 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. Further, the LDP allows for the development of playing fields where the land in question is surplus to requirements. TAN16 further states that only where it can be clearly shown that there is no deficiency should the possibility of the use of playing fields for alternative development be considered.
- 7.28 It has been argued that the playing field is surplus to requirements as the team were to be relocated or disbanded following their relegation. As has been shown, there is strong protection in place in both the local and national planning policy. For a piece of land no longer to be considered as a playing field, and therefore surplus to requirements, it would need to have not been used for team games for a period of at least 5 years. In the case of the application site, the pitch has been used earlier in 2016, therefore it does not satisfy this criteria. There also remains the possibility that the playing field will be used in the future, either by the YMCA football club, a succeeding football club, or even the local community. It is stated that the pitch provides no benefit to the local community. However, officers argue that the pitch provides a valuable playing surface for members of the YMCA, who would by definition be members of the local community, players of the YMCA football club, who may also be members of the local community and to visiting players and spectators. The agent states that, without the sale of the land, the future of the YMCA in its entirety is in doubt. However, as stated, no evidence of this has been provided to support that argument, so it can be afforded little weight.
- 7.29 The open space proposed on site, and the new upgraded MUGA is argued to be sufficient open space provision to both serve the proposed on site development, and also to compensate for the loss of the playing field. However, as has been stated, the new MUGA and open space within the development is insufficient to even suffice to serve the development itself, although it has been pragmatically accepted in this instance considering the betterment on offer. That being said, it could not also serve to compensate for the loss of the playing field/Environmental Space simultaneously.
- 7.30 In terms of enhancing the existing facilities to the benefit of the local community through the development of a small part of the site, it is acknowledged that there would be benefit gained by upgrading the MUGA and making it public accessible. However, the development of the site for residential development can't be considered to constitute a "small part of the site", rather the majority of the site. Guidance on this matter is provided in paragraph TAN16, which states that *"Sometimes, the retention and enhancement of facilities may best be achieved through the redevelopment or rehabilitation of a small part of a site, particularly where this would be related to playing field use, for example the provision of changing facilities, which would not adversely affect the quantity or quality of remaining pitches, or their use. Some forms of development, for example housing, may affect the use of remaining playing areas, and the possible benefits offered by such development should be weighed against the possible effects on open space, which may occur"*.
- 7.31 Whilst the redevelopment of part of the site to provide an improved MUGA would be of benefit, the loss of the remaining playing field is clearly in excess of the intended scope of the policy allowance for enhancements to existing facilities. As stated above, the benefits offered by housing schemes must be weighed against the possible effects on open space which may occur. As has been previously identified, there is a shortfall of formal and equipped open space within the ward, and with the proposed development only providing enough on-site provision to service itself (as pragmatically accepted by officers), it is considered that there would be a material

impact on the level of open space provision in the area if the playing field was lost to development.

- 7.32 Policies CF1 and CE3 of the LDP, PPW and TAN16 all provide for alternative provision to be provided which is least equivalent to the provision it is replacing. However, the application does not propose to provide alternative provision and has declined to provide any. The alternative is to request a planning contribution of £222,309 to replace and maintain a playing field on the site of Pill Playing Fields, although this has also been declined by the agent, who claims it is unnecessary as there is no community harm resulting from the loss of the playing pitch.
- 7.33 To conclude the officer's argument therefore; it has been identified that there is a shortfall of formal and equipped open space within the Pillgwenly ward, which would be further exacerbated by the loss of the playing field. It is not considered that the playing field is surplus to requirements, nor that the new, publicly accessible MUGA would represent a suitable replacement for the playing pitch, as well as provide sufficient on-site open space provision for the development site, or that it represents an 'enhancement of the existing facility' which would justify and overcome the loss of the playing field. Neither would a suitable alternative be provided in the locality, nor a financial contribution paid to allow the Council to provide one. As such, it is considered that the scheme is contrary to policies CF1 and CE3 of the Newport Local Development Plan 2011-2026 (Adopted January 2015), Planning Policy Wales and TAN16. It should also be noted that an objection to the loss of the playing pitch has been submitted by Sport Wales and Fields in Trust

Noise

- 7.34 The application has been supported by a noise assessment (dated December 2015) and a noise statement (dated 1 July 2016) in an attempt to show that the noise levels at the development site would be acceptable both within the properties and within the amenity areas, taking in to account the nearby noise generating uses, such as the delivery yard for Newport West Retail Park and the timber and brickyard on Usk Way.
- 7.35 The Council's Public Protection Manager has provided comments as set out in section 5.6.1-5.6.5 of this report. Concerns were initially raised because the assessment was not carried out in accordance with the relevant British Standard. Nevertheless the assessment found that the dwellings would be affected by noise from nearby sources and that habitable areas would require a scheme of sound insulation. It was recommended that the noise assessment be revised to accord with the relevant British Standard to determine the impact of the industrial and commercial sources on the proposed dwellings, along with providing the raw data, important observations on the noise sources and a mitigation scheme to ensure that the gardens and habitable rooms would be adequately protected to demonstrate that residential development of the site would be acceptable.
- 7.36 Regrettably the noise statement contained within the agent's letter dated 1 July 2016 does not contain the additional information requested. It contains additional predictions of noise from nearby sources based on a similar facility, rather than actual observations on site. This information is necessary to determine the noise sources which might impact the development and what acoustic features that might be present, which may influence the outcome of the BS4142 calculations. The current assessment relies on mitigation which would only be acceptable where the noise source is anonymous (traffic noise), whereas an alternative site layout and/or internal room arrangements may need consideration if the development is affected by commercial/industrial noise sources, depending on the outcome of the noise assessment.
- 7.37 Taking the above into account, the applicant has failed to demonstrate that the amenities of future occupiers would be adequately protected from nearby noise sources, contrary to policies GP2 and GP7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

Ecology

- 7.38 All species of native reptiles are protected against killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). A phase 1 habitat survey has been submitted in support of the application, which has been reviewed by the Council's Ecology Officer. It assessed the habitats within the site, and concludes that they are potentially suitable to support low numbers of common reptiles, including slow worm, common lizard and grass snake. However, due to the timing constraints associated with undertaking a presence survey (which should be undertaken mid-March until June or during September) the report assumes the presence of a small population of common reptiles and that appropriate mitigation would be required.
- 7.39 It also states that, due to the nature of the proposed development and draft master plan it is unlikely that reptiles could be retained onsite, if present, due to the limited habitat retained as open space. Therefore a reptile translocation to an offsite receptor site would potentially be required, with the receptor site agreed with the LPA prior to works progressing. It proposed that a reptile mitigation strategy would be required prior to development.
- 7.40 The report has been reviewed by the Council's Ecology Officer, who agrees with a number of its findings and recommendations. However, as the report *assumes* the presence of reptiles, and it states that suitable habitat would not remain on site following development, translocation of reptiles would be necessary to an agreed receptor site.. A contribution of £6,477 towards the maintenance of the receptor site would be required as a planning obligation. However, the applicant/agent are unwilling to make this contribution as they feel it is unnecessary. They proposed that a presence survey and mitigation strategy can be dealt with by condition, although this is not possible as the contribution towards management of any necessary receptor site would need to be agreed through the S106 of this planning permission, if granted. Also, TAN5 states that *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It is considered best practice that such a survey is carried out before planning application is submitted. Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval"*.
- 7.41 The alternative to committing to the contribution would be to undertake a presence survey prior to determination of this application (with the next available opportunity being during September) which would definitively show whether or not there are reptiles on site, and whether or not any translocation (and associated maintenance fee) would be required. The agent themselves (in the letter dated 1 July 2016) recommend that a reptile presence survey is submitted, along with an associated mitigation strategy. However, they have since declined to provide such a survey and request that the application is determined at the next available planning committee.
- 7.42 In the absence of a reptile presence survey, or agreement to a planning contribution for the management of a receptor site, the Council can't guarantee that the proposal will not have an adverse impact on a protected species, namely reptiles. The proposal is therefore considered contrary to policies SP9 and GP5 of the Newport Local Development Plan 2011-2026 (Adopted January 2015), PPW and TAN5.

Contributions

- 7.43 A number of the contributions set out in the Heads of Terms (section 5.8) are to be applied to any subsequent reserved matters application relating to the development of the site, such as education and leisure contributions. However, there are contributions (as discussed above; playing field compensation and ecology) and a monitoring fee which the agent does not agree to. Aside from arguments that these are not necessary to make the development acceptable in planning terms, which has been counter argued above, the agent states that any planning contribution sought from the YMCA would prejudice the viability of the proposed development and adversely affect the capital receipt which may be achieved from the site's disposal. In effect, it is argued that the payment of such contributions would leave the YMCA worse off in terms of

funds gained from the sale of the land as opposed to gaining a permission which did not request such contributions. However, as has been elaborated above, the relevant contributions sought in relation to this application towards a replacement pitch and ecology are relevant and necessary to make the development acceptable in planning terms. Failure to agree to the contributions set out, and the monitoring fee, means that the proposal is contrary to Policy SP13 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

Residential amenity

- 7.44 The site is relatively isolated in the main, although there are existing dwellinghouses towards the northern end of the site, on Mendalgief Road. As there are no immediate neighbours, it is not considered that there would be an impact on residential amenity from the proposed development, although exact layout information at reserved matters stage would ultimately determine this. A Construction Management Plan could also be used to safeguard residential amenity during the construction phase. As the surrounding uses are commercial in nature, it is not considered that they would be adversely effected by the proposed development.
- 7.45 Planning permission has previously been refused in 1999 for a multi-sports area with associated fencing and lighting due to the impact of the proposal, by virtue of excessive noise and light spill, on the residential amenities of the occupiers of nearby dwellings. That proposal was in a similar location to the new MUGA being proposed. As the precise details of the replacement MUGA have not been provided at this stage, it is difficult to assess the impact on the neighbouring properties. Further details would be submitted at reserved matters stage, at which time the impact on neighbouring properties can be fully considered and appropriately mitigated.
- 7.46 In terms of amenity of future occupiers, the site would provide sufficient on-site amenity space (as pragmatically accepted), but as set out in paragraphs 7.34-7.37, insufficient information has been provided to demonstrate the adequate noise levels would be achieved on site which would ensure acceptable amenity for future occupiers. As such, the proposal is contrary to policies GP2 and GP7 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.

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

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

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

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

9. CONCLUSION

9.1 In making a determination on a planning application, the authority must have regard to all material planning considerations as outlined above. It is not in doubt that the YMCA is a valuable local charity which is a great benefit to the local community and that it is a valuable asset to the people of Newport.

9.2 The argument in favour of the development, as professed by the agent, is that the YMCA is facing severe financial difficulty and is looking to rationalise its assets to secure the long term future of the charity, and that the playing pitch in question offers no benefit to the local community and is surplus to requirements. However, despite this information being requested, no details of the hardship facing the charity have been provided. Therefore little weight can be afforded to this argument in favour of permission.

9.3 As has been outlined above, the proposal proposes the loss, without alternative provision or compensation, of a playing field in a ward which is already the subject to a shortfall in provision of formal and equipped open space. The pitch itself is not considered to be surplus to requirements, and has been used for team sport throughout the past 5 years.

9.4 Similarly, although the upgraded MUGA would be of a benefit to the community in being made publicly accessible, it is not sufficient to offset the loss of a designated Environmental Space in accordance with policy CE3.

9.5 The noise assessment submitted as part of the application contains insufficient information to demonstrate that adequate noise levels would be achieved on site, which would provide acceptable amenity for future occupiers of the proposed residential development. Further, in the absence of a reptile presence survey, or agreement to a planning contribution for the management of a receptor site, the Council can't guarantee that the proposal will not have an adverse impact on a protected species.

9.6 Finally, the agent has not agreed to the necessary playing field replacement, ecology and monitoring fee planning contributions which would make the proposal acceptable in planning terms.

9.7 Therefore, and taking all material planning considerations into account, taking into account the argument regarding the future of the charity, it is concluded that the proposed development would be unacceptable for the reasons outlined in this report and the reasons for refusal (below). It is therefore recommended that planning permission is refused.

10. RECOMMENDATION

REFUSED

01 The proposal would result in the loss of a playing field and designated environmental space, in an area which is already subject to a shortfall of formal and equipped open space, without providing alternative provision in the locality of equivalent community benefit, or demonstrating that the pitch is surplus to requirements or that there is an excess of such provision in the area. The redevelopment of the site for housing and improvement to the MUGA is not a sufficient enhancement to compensate for the loss of the playing field. The proposal is therefore contrary to policies CF1 and CE3 of the Newport Local Development Plan 2011-2026 (Adopted January 2015), Planning Policy Wales (Edition 8, January 2016) and Technical Advice Note 16: Sport, Recreation and Open Space (January 2009).

02 Insufficient information has been provided to demonstrate that adequate residential amenity can be secured for the future residents of the proposed development with regards to achieving acceptable noise levels on site, or appropriate mitigation, to safeguard residents from the nearby noise generating activities, contrary to policies GP2 and GP7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015)

03 Due to a combination of the lack of reptile presence survey, or agreement to a planning contributions towards the maintenance of a receptor site, insufficient information has been provided to demonstrate that the development would not result in harm to a protected species, namely reptiles, contrary to policies SP9 and GP5 of the Newport Local Development Plan 2011-2026 (Adopted January 2015), the Council's Wildlife and Development Supplementary Planning Guidance (Adopted August 2015), Planning Policy Wales (Edition 8, January 2016) and Technical Advice Note 5: Nature Conservation and Planning (September 2009).

04 The applicant has failed to agree to the playing field replacement, ecology and monitoring fee planning contributions set out in the Heads of Terms which are necessary to make the proposal acceptable in planning terms. The proposal is therefore contrary to policy SP13 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: A091645-SK01 rev.A, WY2935-01, A091645[B]01, A091645[B]02, A091645[C]03, Extended Phase 1 Habitat Survey (November 2015), Travel Plan statement, Tree Survey and Arboricultural Constraints Report, NP202HF/WYG/ACP, Flood Risk Technical Note and Drainage Strategy, Design and Access Statement, Noise Assessment, Transport Statement and appendices, Cover Letter dated 23/12/2015 and letter dated 01/07/2016.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, SP10, SP12, SP13, GP2, GP3, GP4, GP5, GP6, GP7, CE3, CE8, H2, H3, H4, T4, CF1, CF2 and CF12 were relevant to the determination of this application.

03 The Council's Supplementary Planning Guidance – Wildlife and Development (August 2015) was adopted following consultation and is relevant to the determination of this application.

04 The Council's Supplementary Planning Guidance – New Dwellings (August 2015) was adopted following consultation and is relevant to the determination of this application.

05 The Council's Supplementary Planning Guidance – Planning Obligations (August 2015) was adopted following consultation and is relevant to the determination of this application.

06 The Council's Supplementary Planning Guidance – Affordable Housing (August 2015) was adopted following consultation and is relevant to the determination of this application.

07 Technical Advice Note 5: Nature Conservation and Planning (September 2009) is relevant to the determination of this application.

08 Technical Advice Note 16: Sport, Recreation and Open Space (January 2009) is relevant to the determination of this application.

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

APPLICATION DETAILS

No: 15/1531 **Ward:** PILLGWENLLY

Type: OUTLINE (MAJOR)

Expiry Date: 08-MAR-2016

Applicant: P LANDERS, NEWPORT YMCA

Site: PLAYING FIELD TO REAR OF YMCA CONFERENCE CENTRE, MENDALGIEF ROAD, NEWPORT

Proposal: ERECTION OF UP TO 55NO. DWELLINGS WITH ASSOCIATED ACCESS AND OPEN SPACE

1. LATE REPRESENTATIONS

Planning Agent

- 1.1 Further to the publishing of the officer's report, a letter has been received from the agent acting on behalf of the YMCA seeking to address the committee members and the reasons for which it is recommended that planning permission is refused.
- 1.2 It states that the application is relatively complex, and that they have been in continued discussions with officers since its submission, which have been successful in addressing a number of matters, although other aspects remain unresolved. They state that crucial information is outstanding which means that committee members are not in a fully informed position to be able to determine the application.
- 1.3 It is stated that they were surprised to learn that the application has been referred to the August committee meeting, which was not confirmed to them, meaning that they missed the deadline for registering to speak at committee. They have appealed to officers, but as the deadline has been missed, the opportunity to address members will not be provided, which is claimed to be a lack of natural justice. They therefore request that the application is deferred to a subsequent committee for determination to allow for additional time to identify how the loss of the playing fields can be mitigated, and other outstanding matters to be resolved.

YMCA

- 1.4 The contents of the application covering letter/planning statement and later supplementary information is reiterated with regards to the role of the YMCA in the community, and the withdrawal of funding sources in recent years, leading to the financial difficulties faced by the charity. Further information is provided with regards to the financial hardship being faced, which details the source of previous financial aid, and provides information on the current financial affairs. It is stated that the withdrawal of funding has meant that previous cash reserves have been depleted by continuing to provide the service to the community. It also states that the charity is asset rich, but cash poor, and that rather than disposing of all of its assets (selling the whole site), it seeks a reorganisation which would involve the employment and training of local

people and the sale of the playing field. It is said that the YMCA “have taken the hard decision that football, which can be well served elsewhere locally, had to be lost to allow all the other constituent activities to survive” and that “without the investment that this development will allow, the football pitch will be lost as the whole site closes and is replaced by some other development”.

- 1.5 It is said that in the 2015-2016 financial year, the YMCA lost £57,604, and £47,652 the financial year before, and that although it is affiliated to the English and Welsh YMCA movement, they do not have the capacity to assist in the restructuring of Newport YMCA.

Financial hardship

- 1.6 The agent states that it has not been communicated to him what additional financial information is required, and that the applicant is not opposed to providing the necessary information. They therefore request additional time for this to be fully outlined, agreed and provided, and then state that a full and thorough understanding is essential to determining the application.

Noise

- 1.7 In reference to the noise related recommendation for refusal, the agent states that additional noise information has been submitted to the Council for consideration on 27/07/2016, however, the Council's Public Protection Officer is on annual leave until after the committee deadline. Therefore the issue remains unresolved, but argue that it is solvable.

Ecology

- 1.8 In reference to the Ecology based reason for refusal, they state that the applicant does not object to the financial compensation outlined in the draft heads of terms in principle. They suggest that, in consultation with the Council's Ecology Officer, reptile surveys are commenced (subject to weather conditions allowing) and reporting on their absence/presence so that, if necessary, a Mitigation Strategy can be formulated, and that the financial contribution towards off-site habitat management would be agreed to (if it is necessary). Again, they state that this issue is solvable.

Monitoring fee

- 1.9 The agent states that, in their view, the monitoring fee is not necessary to make the development acceptable, as has been recently established by case law. However, in the interests of achieving consent without delay, the applicant would agree to the payment if members insist.

Proceeding

- 1.10 The agent concludes that the application is beset with very complex considerations, and that a decision must be made having regard to all material planning considerations being available. It is their opinion that members are not yet in that position. As such, they request that the application is deferred to a later committee and that they are willing to agree an appropriate extension of time with officers to facilitate it. The alternatives being for the application to be withdrawn and resubmitted, or to go to appeal (which would place further costs on both the Council and the applicant).

Ecology Officer

- 1.11 The Council's Ecology Officer has commented that the optimum time for undertaking reptile surveys is April, May and September, between 8:30am and 11:00am and 4:00pm to 6:30pm. Surveys will be temperature dependant and windy/rainy weather is generally unsuitable for carrying out a survey, also the reptile sheets/tins will need time to 'bed in' which is normally takes about 2 weeks. To obtain information on population size normally at least 20 visits per season are recommended, however to establish presence at least 7 visits would need to be undertaken. The Ecologist has stated that a minimum of 7 visits should be undertaken, and a suitably qualified ecologist should gauge whether further surveys are required.

- 1.12 She comments that all of this is unlikely to be achieved by the end of August, and as it is not the optimum time, the survey would be questionable. Wet weather will also delay matters.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

2.1 Officers would like to point out to members that further information to address the reasons for refusal has previously been requested by officers. However, the agent declined to provide the necessary additional information, and also declined to provide an extension of time to the application which would have facilitated further discussion. It was stated by the agent that “*We do not see how there is any information outstanding which may prevent a determination being made on the application*”, and he specifically requested in writing that the application be referred to the earliest available planning committee for determination – 3rd August. This application is presented to you today at the request of the agent, and the assessment was undertaken on the basis of the information available to officers at that time. Where applications take more than 24 weeks to process, the Council has to repay the planning application fee to the applicant, which in this case would amount to £4,940, unless the agent agrees to an extension of time. The agent would not agree to an extension of time despite two requests by officers, and so officers were left with no option but to report the application to Planning Committee in August on the basis of the information submitted. Subsequent to the publishing of the report on the agenda, additional information has been provided by the agent that will be discussed later in this report. The Council’s protocol on public speaking is available to view on the Council’s website; the professional planning agent has a responsibility to submit a request to speak at planning committee by the relevant deadline.

Financial hardship

2.2 Given the weight that is being afforded to the hardship facing the YMCA by the agent arguing in favour of permission, requests have previously been made to the agent for information pertaining to the exact financial difficulties faced by the YMCA and how the receipt from the sale of the land would help to safeguard the charity in the long term. However, detailed evidence has not been forthcoming, other than statements of a proposed enterprise in the agent’s recent letters.

2.3 This information was originally requested in April 2016, and whilst some specific information has now been provided at this very late stage, it provides no information on the charity’s business plan, the estimated receipt from the sale of the land, how this sum will safeguard the future of the charity in the long term, how the social enterprise would generate funds, or how it will be ring-fenced in order to secure the benefits to the local community.

Noise

2.4 The initial consultation response from the Council’s Public Protection Officer was provided in March 2016, and forwarded to the agent. Further comments were made by the agent in their letter dated 01/07/2016, but these sought to rebut, rather than address, the Public Protection Officer’s comments. As such, a further consultation response was received from the Public Protection Officer, which confirmed that the information from the July letter was also unacceptable. The necessary information was not submitted to officers until 27/07/2016, after the officer’s report had been finalised and the agenda published. The Council’s Public Protection Officer is on annual leave until after the committee meeting – therefore the Council has not had the opportunity to review the very recently submitted additional noise information.

Ecology

2.5 Further reptile surveys are required to establish the presence, or absence, of reptiles on site. This has previously been set out to the agent. The next suitable window for such surveys to be undertaken is during September. However, as shown above, the agent had previously declined to provide further information/surveys, or agree to the appropriate management fee for a receptor site. The agent now suggests that the survey is undertaken to determine the appropriate course of action – they are exploring the possibility of undertaking these in August.

2.6 However, the agent’s suggestion that the application be deferred to the September planning committee would not allow sufficient time for the necessary surveys to be undertaken, let alone for a report on these surveys to be produced and assessed by Council Officers. In addition, the Council’s ecologist has commented that August would not be the optimal time to undertake a survey, and its results would be questionable.

- 2.7 As the necessary survey has not been provided to date, officers are not assured that there will be no impact to the ecology on site. As such, although the agent states that the surveys will be undertaken, the development remains unacceptable at this present time due to the potential impact on ecology.

Monitoring fee

- 2.8 The agent argues that case law demonstrates that a monitoring fee is not necessary to make a development acceptable in planning terms. However, there is also case law arguing to the contrary. Whilst it is welcomed that the agent is agreeable to pay the monitoring fee in order to secure permission, there remain other issues outstanding with the application.

Conclusion

- 2.9 The application is referred to committee on the basis of the information which was available at the time of the agenda being published. Additional noise information has since been submitted, but there is insufficient time to assess this, and there is no guarantee that it would be acceptable. An ecology survey remains outstanding. There is also only limited information provided with regards to the financial situation facing the YMCA and its future, and the Council and the agent remain in dispute over the failure to offer any compensation for the loss of the playing field, with the agent arguing that its loss is outweighed by the needs of the charity, and that it does not need to be compensated for. This argument is further detailed in the original officer's report.

- 2.10 Although additional information has been submitted, there remain a number of details outstanding which have not been addressed to date. A request to defer the application to a later committee has been made by the agent. Officers do not support this request as the application has been brought to this committee meeting at the request of the agent who declined the request for an extension of time for these issues to be resolved. The agent has now, since the publication of the Committee agenda, offered an extension of time until September Planning Committee. It is not considered feasible by officers for an ecology survey to be undertaken, a report produced and subsequently assessed by Council officers in time for the application to be reported back to Committee in September, or for the various other outstanding matters to be satisfactorily addressed in this time.

3. OFFICER RECOMMENDATION

- 3.1 Officers remain of the opinion that planning permission should be refused.

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REPORT TO: PLANNING COMMITTEE – 3 AUGUST 2016

Members to consider suggested updates which have been highlighted in red.



PLANNING COMMITTEE CODE OF PRACTICE

“Everything you need to know about
Planning Committee”

(Updated August 2016)

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1. Introduction

1.1 This Code of Practice is intended to guide the procedures by which Councillors and Officers of the Council deal with planning matters, and to set standards of probity and conduct which the residents of Newport City Council can expect.

1.2 As planning affects people's lives and private interests, it can often be very contentious. It is important that residents of Newport and applicants for planning permission understand the system, have confidence in its integrity and transparency and that Members and Officers involved in the planning process avoid impropriety or even the suspicion of impropriety. This approach is endorsed by the Committee on Standards in Public Life (the Nolan Committee), the Wales Audit Office and the Welsh Local Government Association.

1.3 Members must follow the Codes and Protocols in the Constitution of Newport City Council which cover such matters as declarations of interests, gifts and hospitality and the Protocol for Member/Officer relations. When dealing with planning matters they must also act in accordance with this Planning Code of Practice.

1.4 A breach of these codes whilst not usually amounting to a breach of criminal law, may adversely affect the standing of the Council. It could result in a decision being judicially reviewed or in a complaint of maladministration, being made to the Local Government Ombudsman. A breach of the Members' Code of Conduct can result in a complaint against a Member personally.

1.5 If Members or Officers are in doubt about the application of the Codes they should seek advice from the Council's Monitoring Officer.

2. General Roles, Responsibilities and Conduct

2.1 Members and Officers have different but complementary roles in the planning process. Members of the Planning Committee have different roles to those of other Councillors.

Members of Planning Committee

2.2 There are 11 Members on the Planning Committee and they normally meet once a month.

2.3 Members of the Committee are appointed at the Council's Annual General Meeting, held in May each year.

2.4 Three Members of the Committee constitute a Quorum.

2.5 Councillors who are Members of the Planning Committee are responsible for the determination of planning applications for major regeneration and controversial applications. The Committee must assess proposals against national and local planning policy and carefully balance the benefits of proposed development with any impacts on the surroundings. Members are required to consider all planning proposals in the wider public interest. Decisions are restricted to planning considerations, and cannot seek to control non-planning issues or duplicate other legislative controls.

2.6 Other applications are delegated to the Head of Regeneration, Investment & Housing Services through the Development Services Manager. Details of applications received are available on the Council's website. Members can contact the Case Officer to express an interest in the proposal. In due course that Member will be notified of the Officer's recommended decision. If unhappy with the recommended decision the Member can request referral of the application to Planning Committee for determination.

2.7 However, such requests must be supported by clear planning reasons why the case requires consideration by the Committee. Members shall not put any pressure on Officers to make

particular recommendations or decisions, nor to change recommendations or decisions in respect of any application. However, it is helpful if Members explain their concerns with the Officer in advance of the Committee meeting.

Planning Committee Members shall:-

2.8 For and in meetings:-

- Exercise personal responsibility in deciding whether to declare any personal interest as defined in the Council's Code of Conduct in relation to any planning application that is before the Planning Committee for determination, and withdraw, if so required by the Code. If in doubt, Members shall consult and seek guidance from the Monitoring Officer in advance of the meeting.
- Act fairly and openly.
- Carefully weigh up all relevant planning issues before making a decision
- Make decisions purely on planning grounds in the public interest and not favour, or appear to favour, any person, company, group or locality. Whilst Planning Committee Members have a responsibility to their constituents, the decisions of that Committee must be based on material planning considerations.
- Have reasons and justification for their position and resolutions (this is a requirement of the Code of Conduct)

Members of the Planning Committee who are also members of Community Councils

2.9 Membership of a Community Council provides an opportunity to listen to local views and does not of itself give rise to conflict of interest for a Planning Committee Member provided he or she maintains an open mind until all the evidence and arguments have been presented to Planning Committee.

2.10 A Member does not have to declare an interest at the Community Council that he/she is a Member of City Council's Planning Committee unless the matter under discussion is an application made by the City Council. They would then have to declare a personal interest but not a prejudicial interest.

2.11 If the Planning Committee Member is a Community Councillor, if the particular Community Council they are sitting on is making an application to the Council the interest would be a prejudicial one and the Member should not take any part in discussion or voting on the application at Committee.

Non Planning Committee Members of the Council

2.12 Ward Members who do not sit on the Planning Committee will be allowed to speak at Planning Committee at the Chairman's discretion. This opportunity shall not apply to delegated items unless they are referred to Planning Committee for determination in accordance with the operation of the scheme of delegation.

Who Can Speak

2.13 Ward Members representing the Ward in which the proposed development is located are allowed to speak at Planning Committee at the Chairperson's discretion.

2.14 Applications to be placed before the Planning Committee will be scheduled for the first available meeting. Applications will not be deferred to later Committee meetings on the grounds that an interested Member is unavailable to attend the scheduled meeting. In the case of Wards represented by only one Member, that Member may nominate another Member to attend the scheduled meeting to speak on their behalf. The Chairperson shall be notified of the nominated Member in advance of the relevant Committee meeting.

3. Planning Committee Meetings

3.1 Meetings of the Planning Committee will normally be held on the first or second Wednesday of each month. Dates for Committee meetings can be found on the Council's website or by contacting City Contact Centre on 01633 656656. The time of Committee meetings will be advertised on the Council's website.

All meetings will be held in public. However the public will be excluded from meetings whenever it is likely in view of the nature of the item to be discussed or the nature of the proceedings, that confidential information would be disclosed.

Public speaking items will be taken first on the agenda. All other applications will be heard in the order in which they appear on the Agenda, other than in exceptional circumstances, and always at the discretion of the Chairperson. The procedure at the Planning Committee meetings is explained in paragraph 9 of this Code of Practice.

The deadline to register for public speaking is 4.30 p.m. on the Thursday preceding the Planning Committee meeting on the following Wednesday.

Webcasting / Broadcasting of Meetings

3.2: The Council has agreed that certain meetings of the Planning Committee may be the subject of live web transmission ('webcasting'), or recorded for subsequent transmission. Fixed cameras are located within the Council Chamber for this purpose.

The Council will ensure that in doing so it is compliant with its obligations under the Data Protection Act 1998 and the Human Rights Act 1998.

The Notice on the agenda and the Chair at the meeting will make it clear that whilst generally the public seating areas are not filmed; by entering the meeting room and using the public seating area, members of the public are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. The process for prospective public speakers will be explained to them.

Content of Ward Councillor Speeches

3.3 Comments by Ward Councillors should be limited to relevant planning issues.

These include:-

Relevant national and local planning policies;

Appearance and character of the development, layout and density;

Traffic generation, highway safety and parking/servicing;

Overshadowing, overlooking, noise disturbance, odours or other loss of amenity.

Ward Councillors should avoid referring to matters outside the remit of the Planning Committee, such as:

- Boundary disputes, covenants and other property rights;
- Personal remarks [e.g. Applicant's motives or actions to date];
- Rights to views or devaluation of property.
- Competition between businesses/services
- Issues covered by other legislation e.g. Environmental Health

Late Representations

3.4 The deadline for the submission of comments on applications being presented to Committee is midday on the Monday immediately before the Planning Committee meeting (on the Wednesday). Comments received by the Case Officer before that deadline will be summarised and sent to Planning Committee Members and the relevant Ward Councillor(s) by 12 noon the day before the meeting. Comments or any other document or information received after that deadline would not be taken into consideration. This procedure ensures that Planning Committee Members have had sufficient time to read any additional papers.

Officers

3.5 The function of Officers is to support and facilitate the Councillors in their work and to ensure that robust and lawful decisions are made. Planning decisions must be made in accordance with the Development Plan and other material planning considerations.

3.6 The Development Services Manager makes decisions on the majority of planning applications under delegated powers and makes recommendations on more significant and contentious applications and other planning matters for decision by the Planning Committee. Officers will provide professional advice and will provide Members with a recommendation on whether or not planning permission should be granted, based on the Officer's assessment.

In considering applications and in advising members of the public on planning policy, the determination of planning applications, enforcement and other planning matters, Officers must:-

- Act fairly and openly and avoid any actions that would give rise to an impression of bias
- Avoid inappropriate social contact with applicants and their agents, objectors and other interested parties
- Approach each planning application or issue with an open mind, avoiding preconceived ideas
- Carefully weigh up all relevant planning issues before making a decision
- Make decisions purely on planning grounds having regard to the Development Plan and other material considerations
- Give professional, objective and consistent advice
- Carry out the decision of the Committee insofar as they relate to the completion of any legal agreement, or instigation or defence of proceedings etc

4. Administrative Arrangements

Planning Application Notification

4.1 All Members of the Council will be informed of the submission of all planning and related applications through the weekly list of applications published on the Council's website. This list will include basic details about the application and indicate whether it falls within the "delegated" (i.e. dealt with by the Development Services Manager) or "Committee" category for determination. Further detail on the application, including relevant plans and documents, can be viewed on the Council's website.

Meetings with Applicants and Objectors

4.2 The Local Planning Authority does not organise public meetings in respect of any application. The statutory planning process which includes a procedure for notifying occupiers of land neighbouring an application site provides ample opportunity for the public to make its views known about a proposal. Where appropriate it might be possible for Planning Officers to attend public meetings organised by Ward Members for information purposes. In order to be taken into account in the final decision, all comments made by local residents and third parties must be made in writing (an email is sufficient).

Determination Process

4.3 If an application received is of interest to the Ward Member because it is, or becomes, a controversial or significant local issue, the Member should contact the Case Officer to express an interest in the application. That Ward Member will then be notified in due course of the proposed decision. Should that Ward Member wish for that application to be determined by Planning Committee (being unhappy with the Officer recommendation), he/she should notify the Development Services Manager and Case Officer within the 48 hour period prior to the application being determined, giving planning reasons for calling the application to Committee in writing (or by email).

5. Pre-Application Discussion and Enforcement Discussions

5.1 Local Planning Authorities are encouraged to enter into discussions and negotiations which can bring about improvements that can make an application acceptable, and thereby potentially speed up the process. Such pre-application discussions will normally take place at Officer level and Members shall wherever possible refer requests for such advice to Officers. If Members become involved in such discussions they should make it clear that their views are personal and provisional and they may wish to make a record of the discussion.

All Officers taking part in such discussions shall:-

- Identify the decision-making process applicable to the application or issue under discussion
- Make it clear that only personal professional and provisional views can be expressed that will not bind the Council (Officers or Members) to reach a particular decision when determining the application
- Express views in the context of the Development Plan and other material planning considerations
- Be consistent in interpreting planning policies and Government guidance
- Where appropriate advise applicants, neighbours and objectors on procedural matters.

6. Lobbying of Members of the Planning Committee

6.1 Lobbying is the process by which applicants, agents, neighbours, non Planning Committee Members and other interested parties may seek to persuade Councillors on the Planning

Committee to come to a particular decision. It is legitimate for them to approach Members of the Planning Committee (in person or in writing) and such discussions may help Members to understand the issues and concerns. As stated in the Nolan Committee Third Report “*it is essential for the proper operation of the planning system that local concerns are adequately ventilated*”.

6.2 In responding to approaches of this kind, Planning Committee Members may publicly express an opinion provided that they keep an open mind at Planning Committee meetings but must not have closed their mind prior to hearing all the evidence and arguments, which will be presented at the Planning Committee. They should explain their position in respect of probity if they express an opinion on a proposal before consideration at the Planning Committee. They should:-

- Explain the procedures by which representations can be made.
- Indicate that a decision will be taken only when all relevant planning considerations have been taken into account.
- Explain the kinds of planning issues that the Council can take into account.
- Report issues raised to the Officers or direct the public to the Officers so that their views can be considered. It is helpful if this takes place in advance of the Planning Committee meeting so that all relevant issues are fully considered before the agenda is published.

7. Planning Applications Submitted by Members, Community Councils and Officers

7.1 Any application

- made by any Elected Member of the Council, or
- made by any Officer either employed within the Regeneration and Regulatory Services area or by an Officer who works in close association with the Development Services section (for example as a regular consultee), other than where that application is submitted solely in that Officer’s professional capacity as a Council employee and where the Officer has no personal or prejudicial interest in the outcome of the application; or
- in respect of which an Elected Member of the Council has been consulted as a neighbour; or
- in respect of which the Head of Regeneration and Regulatory Services has responsibility for any aspect of the management of any land or buildings to which the application relates; or
- any other matter where the Head of Regeneration and Regulatory Services considers it appropriate for the matter to be determined by Planning Committee shall be determined by the Planning Committee.

7.2 The affected Member or Officer must declare the existence and nature of the interest or relationship in accordance with the appropriate Code of Conduct and withdraw from involvement in the decision. The affected Officer shall take no part in the processing of the application and any recommendations made to Planning Committee.

7.3 If the Planning Committee Member is a Community Councillor, if the particular Community Council they are sitting on is making an application to the Council the interest would be a prejudicial one. Members should therefore choose whether they should take part in debates at the Community Council or at the Planning Committee. This does not prevent a Member listening to a debate at a Community Council, so long as the Member does not take part in the debate.

7.4 Where a Community Council submits a planning application, the City Council Members who are also Members of Planning Committee should disclose their interest and not participate on that application should it come to Planning Committee for decision (whether a Committee or delegated decision).

8. Planning Applications Submitted by the Council

8.1 It is essential that the Council treats applications for its own development (or a development involving the Council and another party) in the same manner as all other applications and that this

is seen to be the case. Due to the fact that the Head of Regeneration & Regulatory Services' portfolio contains both Property/Estates and Planning, planning applications relating to Council-owned land must be considered by Planning Committee. Applications which are merely sponsored by the Council, such as applications made through the Housing Renewal Team on behalf of disabled persons, can be decided under delegated powers.

Officers' Reports to the Planning Committee

8.2 All planning matters considered by the Planning Committee will be the subject of appropriate written reports by the Development Services Manager incorporating his/her recommendations. Such reports shall be comprehensive but succinct in setting out the key planning issues to be considered in terms of the provisions of the Development Plan and other material planning considerations, the substance of any representations received and any planning history.

All reports will be submitted on the adopted template and will include the mandatory comments of the Monitoring Officer, Head of Finance and any other relevant consultees.

9. Conduct and Procedure of Planning Committee Meetings

9.1 Broadcasting / Webcasting:

At the start of each meeting to be filmed, an announcement will be made to the effect that the meeting is being, or may be, webcast.

The Chair of the meeting has the discretion to terminate or suspend filming, if in the opinion of the Chair continuing to do so would prejudice the proceedings of the meeting or if the Chair, on advice, considers that continued filming might infringe the rights of any individual.

9.2 Consideration of Planning Applications:-

Planning applications will be considered in the following structure:

- a) First there will be a presentation about the application by a Planning Officer, normally using visual aids
- b) Members will have been sent an addendum report outlining any late correspondence received since publication of the agenda but before the consultation deadline. This addendum must be considered by the Committee prior to making its decision on the application.

N.B. Late representations are included in an updated Planning Application Schedule and copies are available at the meeting.

- c) Public speaking:

In any correspondence notifying applicants, supporters or objectors of the meeting date on which an application will be heard, advice in relation to Broadcasting / webcasting of meetings will be included.

Those who have made requests to speak in accordance with the relevant Protocol will be invited to speak in the following order:

- Objector (5 minutes)
 - Supporter (5 minutes)
 - Applicant or their agent (5 minutes)
- d) The Planning Officer will respond as necessary.

- e) The Chairperson will invite the Ward Councillor(s) to speak, if applicable;
- f) The Chairperson will then open the debate by providing an opportunity for members of the Planning Committee to comment or ask questions of the Planning Officer or any other officer in attendance. The Planning Officer or others will be provided with the opportunity to respond.
- g) When a Member of the Committee wishes to speak, he or she will indicate this to the Chairperson. No Member will speak unless called upon to do so by the Chairperson. When called upon to speak, the Member will address the meeting through the Chairperson. If two or more Members wish to speak the Chairperson will ask one to speak and the other(s) **will remain silent**. While a Member is speaking, other Members **will remain silent** until invited to speak by the Chairperson.
- h) When the Chairperson considers all Members have had an opportunity to contribute he or she will ask for a motion to be moved and seconded. If the motion is to do something other than agree the Officer recommendation set out in the report before Committee, **planning reasons should be given at that time and before taking the vote**.
- i) If the vote is against the recommendation of the Planning Officer but with no alternative motion before the Committee, there is a risk of appeal against non – determination by the Committee
- j) If the motion is not carried, further motions will be requested until a motion is carried
- k) The application will be determined by a simple majority vote by show of hands. All Members of the Committee, including the Chairperson, should cast a vote in favour or against the motion before the Committee. **As all Members of the Committee are performing a quasi - judicial role, then it is not appropriate for Members to abstain – DELETE LAST SENTENCE
ADD – AS PLANNING COMMITTEE IS APPOINTED FOR THE PURPOSE OF MAKING DECISIONS ON PLANNING APPLICATIONS, IT IS NOT APPROPRIATE FOR MEMBERS TO ABSTAIN.**
- l) If there are equal numbers of votes for and against, the Chairperson will have a second or casting vote. The Chairperson can only use a second or casting vote if he or she has participated in the original vote.
- m) Following the vote, the matter is resolved. There must be no further discussion on the matter.
- n) If the Committee makes a different decision to that recommended by the Planning Officer, it must articulate and record in the minute the relevant planning reasons:
- If an application is refused against Officer recommendation, the Committee must provide the planning reasons for refusing planning permission
 - If an application is granted against Officer recommendation, the Committee must suggest any conditions that it thinks should be imposed and the reason for those conditions
 - If the Committee requests a site visit prior to making a final decision, the reasons for that visit must be provided.

Officers will provide the Committee with advice regarding relevant policies and conditions where applicable.

Following the Planning Committee meeting, the Development Services Manager will produce a Decision Notice reflecting the Committee's decision on the application. This gets sent to the applicant/agent and published on the Council's website. The Development Services Manager has delegated powers to add, amend or delete conditions or reasons for refusal as is considered necessary to ensure decisions are robust.

N.B. If a Member joins a Planning Committee meeting after the presentation of an item has begun, then the Member should not take part in the debate or vote on that item.

10. Conduct

10.1 The Chairperson of Planning Committee is responsible for the conduct of the meeting in accordance with the Rules of Procedure (Council Standing Order 9) and for the effective delivery of business in a professional, courteous and transparent manner. The Members of the Committee and Officers shall respect the role and behave in a manner that is commensurate with the high standards of conduct and propriety that are expected in public office.

10.2 The Chairperson will seek to ensure that Members and Officers are treated in accordance with the Council's agreed Protocol on Member/Officer Relations (Part 5 Section 3 of the Constitution), with regard to:-

- The political neutrality of Officers
- The independence of Officers
- Mutual respect, courtesy, civility and professionalism with respect of differing views

Where disturbance of the meeting occurs by way of public interference, the Chairperson may suspend proceedings until matters are resolved or in extreme situations may close the meeting to the public.

Please be aware that the Code of Conduct applies to all Members at all meetings of the Council, whether or not they are broadcast. Laws relating to remarks made about individuals apply at all meetings of the Council, whether or not they are being broadcast

11. Procedure

11.1 The Chairperson will ensure that the meetings of the Planning Committee are conducted in accordance with the Council's Rules and Procedures and safeguard that appropriate debate is able to take place in a structured and professional manner. The Chairperson should seek to avoid repetition or irrelevant debate.

11.2 Members should endeavour to give not less than 24 hours notice (preferably in writing) to the Development Services Manager of all questions requiring a technical or detailed response so that an appropriate response can be prepared for the meeting of the Planning Committee

11.3. Appropriate legal and administrative Officers will be responsible for advising the Chairperson and the Committee on matters of procedure and protocol.

11.4 Where Officers advise the Chairperson of material planning concerns or potential consequences of a particular course of action, or any potential liabilities or errors of fact, Officers shall be afforded reasonable opportunity to concisely explain those matters to Planning Committee before it reaches a decision.

12. Site Inspections

12.1 A Sub-Committee of the Planning Committee will be constituted for the purposes of undertaking site visits on behalf of the Planning Committee known as the Planning Site Sub-Committee.

12.2 The Planning Site Sub-Committee shall comprise six named Councillors of the Planning Committee. Rules of political balance as set down in the Local Government and Housing Act 1989 will apply.

12.3 A site visit by the full Planning Committee may be undertaken in lieu of the Planning Site Sub-Committee if the scale or sensitivity of the development merits such consideration. The decision to

undertake a full Planning Committee visit lies with the Committee. Where a full Planning Committee visit takes place, except in exceptional circumstances, the application will be determined at an extra Planning Committee meeting called immediately following the site visit. This meeting will be a public meeting and the relevant Public Speaking Protocol and Member Speaking Protocol will operate.

12.4 ADD – WHERE AN APPLICATION IS DEFERRED THEN PUBLIC SPEAKERS WILL NOT BE HEARD ON THE SECOND OCCASION THE APPLICATION IS BEFORE MEMBERS SUBJECT TO THE CHAIRMAN'S DISCRETION IN EXCEPTIONAL CIRCUMSTANCES TO ALLOW SUCH SPEAKERS.

Purpose of Site Inspections

Then change paragraph numbering

12.4 Site inspections by the Planning Site Sub-Committee or full Planning Committee will be undertaken for the following purposes:

- To fact find
- To investigate specific issues raised in any request for a site inspection
- To investigate issues arising from the Planning Committee presentation or discussion
- To enable the Planning Site Sub-Committee to determine an application (grant or refuse), authorise formal enforcement action to be taken, or determine that no further action should be taken, or, if it considers that a proposal merits further debate based on the findings of the site visit, it could refer the matter back to full Planning Committee

Requests for Site Inspections

12.5 Any Member of the Council may request that a planning application site be visited by the Planning Site Sub-Committee prior to the determination of that application. Such requests must be made in writing [e-mail is sufficient] to the named case officer dealing with the application or the Development Services Manager. Any such request must include specific planning reasons for the visit.

12.6 Applications subject to a request for a visit will be reported to the Planning Committee. The report will include details of the request and the reasons given. Planning Committee will decide, following a full presentation of the application, whether or not it considers that a site visit is necessary to inform the decision-making process.

12.7 Where no request for a site visit has been made, Members of the Planning Committee may decide, during consideration of an application, that a site inspection would be beneficial. The reasons for the visit should be agreed and recorded as part of the minute of the meeting.

12.8 Occasionally there will be circumstances when timescales for determination will not allow site visits to be programmed in the normal way e.g. those related to telecommunications development. In such **exceptional circumstances**, at the discretion of the Chairperson of the Planning Committee, a site visit may be undertaken prior to the presentation of the matter to the Planning Committee. As Members of the Sub-Committee will not have received a formal presentation on the application, a recommendation cannot be given nor a decision made. They will be able to report their findings of fact to the Planning Committee only. Members should make their written request, with reasons, in the normal way. All other aspects of the protocol will apply.

Attendance at Planning Site Sub-Committee Meeting

12.9 Attendance at Planning Site Sub-Committee meetings will be restricted as follows:

- Members of the Planning Site Sub-Committee
- Relevant Officers

- Ward Councillors
- Single representative of the Community Council [if relevant]
- Applicant/Agent to allow access to the site
- Neighbour/other Landowner (where access is required to make any assessment)

Representations at Planning Site Sub-Committee Visits

12.10 A site visit is not an opportunity to lobby on an application. Accordingly, no representations may be made to the Planning Site Sub-Committee during the visit. Members of the Sub-Committee may ask questions of those present to establish matters of fact and inform their consideration of the application.

Procedures

12.11 At the initial consideration of the application at Planning Committee, Officers will make a full presentation of the item, including a recommendation to Committee.

At the commencement of the site visit, the Chairperson of the Planning Site Sub-Committee will state the issues for consideration.

The site visit will not be deferred due to the unavailability of applicants/agents, Ward Councillors, Community Council representatives, neighbour or other land owners (unless access onto the site is essential).

Members are reminded that the rules of declarations of interest apply to site visits, and that if a Member has an interest that would require the Member to withdraw from a Planning Committee, the Member is not entitled to attend the site meeting.

12.12 Following the site visit, the Planning Site Sub-Committee will return to the Civic Centre to discuss their findings and determine the application (as set out in paragraph 12.4 above). This is a public meeting. At this meeting, there will be a brief formal presentation by Officers focusing on the site visit issues. The Sub-Committee could limit their debate to the issues considered at the site visit. However, Members will be free to debate the full range of planning issues relating to the application if necessary.

The Public Speaking Protocol will **not** operate at this meeting. However, it will be appropriate to allow Ward Members to address the Sub-Committee prior to it making its decision, at the Chairperson's discretion.

13. Planning Committee Decisions Contrary to Officer Recommendation

13.1 From time to time the Committee will disagree with professional advice given by the Officers and may decide to determine an application contrary to that advice. When this occurs the Chairperson of Planning Committee will ensure that the following principles are followed:-

- Members shall clearly express the planning reasons for their decision and these will be recorded in the minutes.
- A Member proposing refusal of an application for which the Officer recommendation is approval shall state his/her reasons prior to the vote being taken.

14. Appeals against Council Decisions

14.1 Officers will organise and generally appear as witnesses at planning appeals and other proceedings on behalf of the Council. In some circumstances (such as where specialist evidence is required) it may be necessary to appoint Consultants to appear for the Council.

In giving evidence, Officers will present the best possible case on behalf of the Council while complying with the RTPI Code of Professional Conduct. This Code requires that Planning Officers who are members of the Institute do not make statements purporting to be their own, but which are contrary to their *bona fide* professional opinion.

14.2 Members can have an important role to play in appeals and may, within set deadlines, make written representations to the Inspector and may also appear at informal hearings or as a witness at public local inquiries. In doing so they should state whether they are acting in their local Councillor capacity or, representing the Council's case.

14.3 Where Planning Officers are unable to defend decisions on appeal (due to requirements of the professional conduct rules of the Royal Town Planning Institute) the Planning Committee should be aware of this before the final vote is taken. In such cases, the Committee shall nominate at least two of its Members who voted contrary to the recommendations to appear at any appeal and defend the Committee's decisions, thereby presenting the Committee's reasons for its decision. The Members attending any appeal hearing should normally be the proposer and seconder of the proposal that was contrary to the Officers' recommendation. Those Members will then be required to attend any subsequent appeal hearing, and if necessary, to give evidence in support of the Council's decision.

14.4 Planning and Legal Officers will support Members attending or wishing to make representation at appeals and advise them on preparing and delivering evidence. Legal Officers will attend inquiries or assist in preparing representations when legal representation is required.

14.5 Planning decisions are decisions made by the Council. It is therefore not normally appropriate for an elected Member to support an appellant at Appeal. If Members have concerns about delegated applications, the appropriate course of action is to call the application to Planning Committee for decision.

15. Member Training

15.1 Members of Planning Committee should undertake training which, on occasions, should be offered to all Members of the Council.

15.2 Members will be offered and required to attend core (compulsory) training (normally within three months of appointment to the Committee). This training will cover planning procedures, code of conduct and other subjects determined from time to time by Officers in consultation with the Chairperson.

15.3 Attendance at training events will be recorded and published and will be monitored through the relevant Overview and Scrutiny Forum.

16. Review of Decisions

16.1 The Audit Commission's report "Building Quality" recommends that Councillors should visit a sample of implemented planning permissions to assess the quality of decisions. The purpose of such a review is not to change decisions, but to assess and improve the quality and consistency of decisions and thereby strengthen public confidence and assist in reviewing planning policy.

16.2 The Planning Committee will undertake an annual review of a sample of planning decisions made by the Committee. The review will include examples from a range of development types e.g. major residential proposals, listed building consents and enforcement cases, and, where it is considered appropriate and beneficial, include visits to sites.

16.3 The Planning Committee will consider the results of the review and decide whether it gives rise to the need for new policies, procedures and practices.

16.4 The outcome of appeals against the decisions of the Council will be reported regularly to Planning Committee. The outcome of enforcement cases and legal proceedings will also be reported regularly so that Planning Committee can review its own decision-making processes.

Background Information

The following documents are available on request:-

Planning Scheme of Delegation
Member Speaking
Public Speaking
Public Speaking at "Extra Planning Committee" Meetings
Site Sub Committee

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