

Agenda



Planning Committee

Date: Wednesday, 1 November 2017

Time: 10.00 am

Venue: Council Chambers, Civic Centre, Newport

To: Councillors J Richards (Chair), J Guy (Deputy Chair), M Al-Nuaimi, J Clarke, C Ferris, Y Forsey, J Jordan, M Linton, R Mogford, C Townsend and R White

NEWPORT CITY COUNCIL WEBCASTS

Webcasts of Newport City Council's full Council and Planning Committee meetings are being temporarily suspended while the sound system is upgraded.

It is expected that broadcasts will be resumed before the end of the year.

NB: Please click on the link below to view the Planning Code of Practice:-

<http://www.newport.gov.uk/documents/Council-and-Democracy/About-the-council/Planning-Code-of-Conduct/Planning-Code-of-Practice.pdf>

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 of the meeting held on 4 October 2017</u> (Pages 5 - 10)	
5. <u>Development Management: Planning Application Schedule</u> (Pages 11 - 68)	

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Date of Issue: Wednesday, 25 October 2017

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Agenda

Pwyllgor Cynllunio



Dyddiad: Dydd Mercher, 1 Tachwedd, 2017

Amser: 10.00 a.m.

Lleoliad: Siambr y Cyngor, Canolfan Ddinesig

At sylw: Y Cyngorwyr Richards (Cadeirydd), Guy (Dirprwy Gadeirydd), Al-Nuaimi, Clarke, Ferris, Forsey, Jordan, Linton, Mogford, Townsend a White

Gwe-ddarllediadau Cyngor Dinas Casnewydd

Mae gwe-ddarllediadau o gyfarfodydd llawn Cyngor Casnewydd a'r pwyllgor cynllunio yn cael eu hatal dros dro tra bo'r system sain yn cael ei huwchraddio. Disgwylir y bydd y darllediadau'n ailgychwyn cyn diwedd y flwyddyn.

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

<http://www.newport.gov.uk/documents/Council-and-Democracy/About-the-council/Planning-Code-of-Conduct/Planning-Code-of-Practice.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: Rhaglen Ceisiadau Cynllunio</u> | Pob Ward |

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Planning Committee

Minutes

Date 4 October 2017

Time 10.00 a.m.

Present Councillors Richards (Chair), Al-Nuaimi, Clarke, Ferris, Forsey, Guy, Jordan, Mogford, White

T Brooks (Development and Regeneration Manager), J Davidson (East Area Development Manager), S Williams (West Area Development Manager), J Evans (Senior Solicitor), C Jones (Principal Highway Engineer), A Lowe (Planning Contributions Manager), M McEwan (Technical Assistant, Traffic Management & Development) S Carle (Tree Officer (TPOs & Private Land)), K Godfrey (Ecology Officer), M Chesterman (Democratic Services Officer)

Apologies Councillor Linton and C Townsend.

1 Minutes

The Minutes of the meeting held on 6 September 2017 were submitted.

Resolved

That the Minutes of the meeting held on 6 September 2017 be taken as read and confirmed.

2 Development Management: Planning Application Schedule

Resolved

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

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

3 Appeal Decisions

Consideration was given to a report following recent appeals.

Planning Application Appeals – Dismissed

- Application No: 16/0924 – 123-125 Chepstow Road, Newport NP19 8BZ – Proposed mixed use as a bakery and pastry business with customer seating area and shisha lounge/smoking area and retention of building to rear service yard.
- Application No: 16/0665 – Land formerly known as 21 Kelvedon Street, Newport, NP19 0DW – Proposed residential development comprising 2 No. small retail units and undercroft parking to the ground floor and 52 No. apartments to the upper floors.
- Land to the north of 1 Roundwood Close, Penhow, Caldicot NP26 3BT – Change of use of land for the parking of vehicles and associated engineering works to create an off road parking space.
- Application No 16/0724 – 19 Commercial Street, Newport NP19 8BZ – Installation of replacement shop front.

Resolved

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

Appendix

PLANNING COMMITTEE – 4 OCTOBER 2017

DECISION SCHEDULE

No	Site/Proposal	Ward	Additional Comments	Decision
17/060	<p>Malvern House, Chepstow Road, Newport NP18 2JP</p> <p>Subdivision of Curtilage and Erection and erection of detached two storey dwelling with access from Tregarn Road and creation of new Vehicular access off Chepstow Road (A48) to serve existing dwelling.</p>	Langstone	<p>Ms C Evans, spoke objecting to the application</p> <p>Mr A Phillips, Agent spoke in support of the application</p> <p>Councillor Routley, Langstone Ward Member spoke on the application and requested that a site visit be undertaken.</p> <p>Officers were recommending granting with conditions subject to Section 106 Agreement.</p>	<p><u>Site Inspection</u></p> <p><u>Reason</u></p> <p>To assess the effect on highway safety and the impact of the development on neighbouring properties</p>
17/0635	<p>New property on site of, 18, Forge Lane, Bassaleg, Newport.</p> <p>Replacement Dwelling along with new Detached Garage (Amendment to Permission 09/0252)</p>	Graig	<p>Mr M Lougher, Agent, spoke in support of the application.</p> <p>Cllr Cornelius, Ward Member, Graig spoke in support of the application</p> <p>Meeting was adjourned by the Chair for a 10 minute break</p>	Granted with conditions

17/0388	Land North West of and Adjacent to, Plover Close, Llanwern, Newport Erection of 2 No. Units to provide 4139 metres squared B1/B2/B8 floorspace and associated parking and landscaping	Lliswerry		Granted with Conditions
17/0429	Land to the South West of Hilton Hotel, Chepstow Road, Newport Development of 146 Bedroom Hotel up to Four Storeys in Height and Associated Parking, Servicing Arrangements and Landscaping, Provision of a Drive-Through Coffee Shop of 209m2 in Floor Area and Construction of a new Access onto the A48 Affecting Public Right of Way 394/80/1	Langstone	Members were made aware of late representations previously circulated in respect of this application Cllr Routley spoke on the application. Members discussed materials used in the development and a condition to be added detailing materials used and requesting samples. Councillor Mogford left the meeting after this application was discussed.	Delegated authority to Head of Regeneration, Investment and Housing to grant after 17 October 2017 subject to no objections received from Welsh Government (Roads). Conditions (in addition to those listed in the report as amended or superseded by those in late representations report) to include:- Samples of materials Vehicle Charging Point
17/0705	Lighthouse Inn, Beach Road, St Brides Wentlooge, Newport NP10 8SH Upgrading the Gateway to the Wales Coastal Path to Include Public Realm Works, Landscaping, Timber Seating/Shelter, Cycle Storage, Interpretation and Directional Panels, Boundary Treatments, Walls, Handrails and Upgrading	Marshfield	Councillor White left the meeting after discussion of this application.	Granted with Conditions

	of Car Park with Resurfacing Works, Barriers and Traffic Calming Features (Affecting Footpath 412/9/1).			
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Report

Planning Committee

Part 1

Date: 1st November 2017

Item No: 5

Subject Planning Application Schedule

Purpose To take decisions on items presented on the attached schedule

Author Head of Regeneration, Investment and Housing

Ward As indicated on the schedule

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

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

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

Proposal 1. To resolve decisions as shown on the attached schedule.
2. To authorise the 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).

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

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

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

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

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

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

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

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

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

Financial Summary

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

Risks

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

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

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

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

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

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

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?
determination, with costs awarded against the Council			unreasonably.	Development Services Manager
Judicial review successful with costs awarded against the Council	H	L	Ensure sound and rational decisions are made.	Planning Committee Development Services Manager

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

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

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

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

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

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

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

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

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

Options Available

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

Preferred Option and Why

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

Comments of Chief Financial Officer

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

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

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

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

Comments of Monitoring Officer

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

Staffing Implications: Comments of Head of People and Business Change

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

Local issues

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

Equalities Impact Assessment and the 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 9 (November 2016)

Development Management Manual 2016

Minerals Planning Policy Wales (December 2009)

PPW Technical Advice Notes (TAN):

- TAN 1: Joint Housing Land Availability Studies (2015)
- TAN 2: Planning and Affordable Housing (2006)
- TAN 3: Simplified Planning Zones (1996)
- TAN 4: Retailing and Commercial Development (2016)
- 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 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- 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: Planning and The Welsh Language (2017)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)
- TAN 24: The Historic Environment (2017)

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) (updated January 2017)
- 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)
- Mineral Safeguarding (adopted January 2017)
- Outdoor Play Space (adopted January 2017)
- Trees, Woodland, Hedgerows and Development Sites (adopted January 2017)

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 2017 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: 17/0606 **Ward:** **ALWAY**

Type: **FULL**

Expiry Date: **10-NOV-2017**

Applicant: **SNAP FITNESS**

Site: **372, CHEPSTOW ROAD, NEWPORT, NP19 8JH**

Proposal: **USE OF PROPERTY FOR RETAIL (A1) OR A GYM (D2)**

Recommendation: **Granted with Conditions**

1. INTRODUCTION

- 1.1 This application is for the use of property for either Retail (Use Class A1) or D2 (Assembly and Leisure) at 372 Chepstow Road. Specifically, a gym is proposed. However, the applicant wishes to have a flexible consent which would allow the use of the unit to revert back to retail within a ten year period, should planning permission be forthcoming. The use at that time would then become lawful.
- 1.2 No external alterations are proposed and limited internal alterations are proposed. The unit is currently vacant.
- 1.3 The site is located within the Alway Ward but is near to the boundary with Beechwood.

2. RELEVANT SITE HISTORY

94/1104	RETENTION OF USE OF OFFICE AS CAR RENTAL RECEPTION	Refused
95/0927	CERTIFICATE OF LAWFULNESS FOR PROPOSED CHANGE OF USE TO TOOL AND EQUIPMENT SHOWROOM FOR TRADE AND RETAIL SALES. (WITH OFFICES AND WAREHOUSE)	Granted
97/0180	ALTERATIONS TO FORM SHOP FOR THE HIRE OF SMALL TOOLS AND OTHER EQUIPMENT	Granted

3. POLICY CONTEXT**3.1 *Newport Local Development Plan 2011-2026 (Adopted January 2015)***

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

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.

GP2 – 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.

GP4 – 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.

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.

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

R7 - Non-Retail Uses in District Centres states that use classes A2 and A3 and leisure/community uses will be permitted in District Centres providing they would not prejudice the viability of the centre's retailing role; adequate parking is in place or provided; and there would be no unacceptable effect on the local residential amenities or general character.

3.2 **Parking Standards SPG**

The Parking Standards SPG sets out details of parking requirements the Council will seek for all types of developments.

4. **CONSULTATIONS**

4.1 NEWPORT ACCESS GROUP: No response.

5. **INTERNAL COUNCIL ADVICE**

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

5.2 HEAD OF LAW AND REGULATION (NOISE): Offers no objection subject to conditions.

6. **REPRESENTATIONS**

6.1 NEIGHBOURS: All properties within 50m were consulted (70no properties) and a site notice displayed. 5no responses received objecting to the application for the following reasons:

-Parking in the vicinity is in very high demand due to the businesses which results in residents being unable to park near their homes;

-This is an inappropriate location for a 24 hour gym which will generate noise due to the playing of music, use of equipment and general comings and goings of clients. This would be detrimental to neighbouring amenity.

6.2 1no letter of support has been received stating:

-The gym would be a useful addition to local amenities and a good use of the unoccupied building which would increase footfall to the area in current uncertain financial times.

6.3 COUNCILLORS DEBBIE HARVEY AND RAY TRUMAN (ALWAY): Strongly object to the application. The area is residential and Councillors already receive complaints about parking and anti-social behaviour and the proposals will exacerbate this.

6.4 COUNCILLOR DEB DAVIES (BEECHWOOD): Is concerned that the proposals will have a negative impact on residents. The expectation of running a gym over a twenty four hour period is that there will be footfall throughout the night. Residents will be expected to tolerate cars constantly leaving and arriving at the site. This will be especially noisy at night and will disturb residents sleep. Gyms are loud with amplified music being played constantly to help promote physical movement. In addition you can hear the dropping of the weights if someone is undertaking this type of activity. This will also have an adverse impact on local residents sleep patterns.

7. **ASSESSMENT**

7.1 The property is a large two storey corner unit situated on the junction of Chepstow Road and Hawarden Road. An access lane runs to the rear of the property. The site is within the Beechwood District Centre and has a gross internal floor area of 902 square metres. Residential dwellings are situated opposite the site on the northern side of Chepstow Road and to the rear on Hawarden Road. There are also residential units at first floor above the commercial properties.

- 7.2 The internal layout would comprise distinct workout areas. A studio pod will also be installed to host a variety of exercise classes. It would be insulated and would include acoustic and vibration materials to reduce noise and vibration leakage.
- 7.3 The main considerations relate to impact on neighbouring residential amenity, impact on the District Centre and parking.

7.4 **Amenity**

Due to the close proximity of residential properties to the building, the impact on residential amenity requires careful consideration. Given the location of the unit within a District Centre, there is no objection in principle to the proposed change of use in amenity terms as it is considered that subject to suitable conditions relating to noise, the proposed use of the property as a gymnasium would not result in a greater degree of noise and disturbance than the existing A1 use. However, officers have concerns with regard to the proposed 24 hour use of the premises and expressed this to the applicant who has subsequently confirmed that they would be agreeable to a restriction of opening hours. Given the location of the unit on a busy transport route to and from the City Centre, the proximity of neighbouring commercial uses and that neighbouring A3 restaurants are open until 1am, it is considered reasonable for the proposed gym to remain open until 1am on Friday and Saturday nights without having a detrimental impact on neighbouring amenity. Whilst there may be a degree of noise and disturbance as a result of the comings and goings of patrons of the gym, given the other activity in the area late into the evenings and traffic noise it is not considered that this would result in a demonstrable harm to the amenity of neighbouring residents. The existing retail use is unrestricted in terms of opening hours and could potentially be occupied by a 24 hour retail operator with customers coming and going throughout the night. This possibility is a material planning consideration.

- 7.5 As previously noted, there are residential properties within close proximity to the site and there is a first floor flat at the neighbouring property. In particular, certain aspects of the proposed use are considered to have potential to result in noise and disturbance to neighbouring residents such as amplified music and the dropping of weights on the floor. The intended occupier is identified as Snap Fitness who are a commercial gym franchise operating from over 2200 locations both in the UK and worldwide. The operators' preference is for their gyms to be within densely populated locations so as to have as wider catchment area as possible. Consequently, the operator is experienced in ensuring that any potential noise impact to neighbours is mitigated for. The applicant has provided details of the way in which the gym would be operated in terms of noise abatement measures as follows:

- No loud bass beats typically associated with most gyms; rather, the proposed gym will have low volume background music, which is set and locked by the manager in the office;
- All Snap Fitness gyms have control equipment that sets music to levels that do not exceed approved levels. The control equipment is tamperproof and stored in the manager's office;
- All cardiovascular equipment has individual television screens and members wear headphones to listen to the sound;
- High impact resilient rubber flooring will be used in the free weights area to absorb the impact of weights onto the surface and to mitigate any potential noise;
- Noise from ingress and egress of members during night time is considered to be limited given that doors close automatically behind patrons and access is granted only by card reader;
- All windows are non-operable and fixed shut at all times.

- 7.6 The applicant advises that night time usage i.e. 11pm – 5am is very low (between 1% and 5% of membership base), typically less than 2 members per hour which suggests that groups of members entering together is unlikely. Furthermore, it is considered that as the

proposed use would be confined to within the envelope of the existing building, it is possible to mitigate for noise matters safeguard the amenity of neighbouring residents. The applicant has provided an acoustic report which suggests a range of measures that could be taken to prevent or reduce the effect of noise and vibration on the neighbouring properties. The Head of Law and Regulation (Environmental Health) confirms no objections are offered to the proposed change of use subject to a condition requiring the submission of a noise management plan to be submitted to the Local Planning Authority for approval in the interests of the occupiers of other premises. However, this condition is imprecise and is not Circular compliant. In any case, the applicant has provided details of noise abatement measures as part of the application as noted above and a condition can be imposed requiring the premises to be operated in accordance with these measures. Further noise related conditions and a condition relating to opening hours are also requested and are considered justified.

7.7 In terms of security the applicant advises that the club would be private and open to members only. The club is locked at all times, with secure door access only via a unique member identification card. Surveillance cameras cover all internal and external areas of the facility and are continuously monitored. Duress alarm systems are installed in every club including wearable pendant alarms. The duress alarms dial direct to a live emergency services operator and are connected by 2-way voice. Entry to the building would be via an electronic security tag that holds all of the member's information and is recorded in the operators' computer system as well as the security monitoring system every time it is used. The doors are locked 24 hours a day and all members must swipe in even during club staffed hours.

7.8 Subject to suitable conditions as discussed above, it is not considered that the proposed change of use would result in a detrimental impact to neighbouring amenity.

7.9 **Parking**

The unit does not benefit from off-street parking, with the only parking provision for patrons of the commercial units being on-street. The application must therefore be considered in relation to the potential to result in an increased parking demand taking account of the A1 fall-back use.

7.10 In response to the proposals the Head of Streetscene and City Services (Highways) advises as follows:

- In accordance with the Newport City Council Parking Standards the existing A1 use generates a demand of 22 spaces which cannot be accommodated off road. **This must be taken into consideration when assessing the parking generation associated with the proposed gym;**
- In accordance with the Council's Parking Standards the proposed use generates a demand of 1 space per 2 facility users;
- 22 spaces equates to 44 gym users at a ratio of 1 space per 2 users;
- The number of gym members will likely exceed 44. However, not all of the members will use the gym at the same time and the Head of Streetscene considers that it is reasonable to base the parking demand upon the expected number at peak times;
- The applicant has submitted information identifying that gyms run by the same company in Windsor and Lancaster had 35 and 23 users at peak times. The Windsor and Lancaster gyms are of a comparable size to 372 Chepstow Road and are considered to be a realistic comparison in terms of the number of users at peak times.

7.11 The Head of Streetscene and City Services expressed concerns about the potential for group classes to create a high demand for parking. In response the applicant has provided the class timetable for the Windsor Span Fitness gym for comparison. There is no overlap of classes for the Windsor timetable. However, whilst comparable in terms of size, the

timetable is likely to be dictated by local demand. The applicant has also submitted information about the way in which the intended user operates and advises that internal space would not be hired to external fitness instructors or groups although the Council cannot control this aspect of the use as such a condition would place a burden on the LPA's Planning Enforcement role. In any case, the size of the class is dictated by the size of the studio pod. In this case, the proposed studio pod will be 42sqm. It is anticipated that the number of participants per class would be between 8 and 12. This is based on 3sqm per member and takes into account the amount of space that equipment (such as exercise bikes) takes up within the pod. Therefore the number of members on site at any one time as a result of participating in a class is low. Furthermore, the data taken from the comparable Windsor and Lancaster sites that was previously submitted took account of classes taking place, so the number of members both participating in classes and using the gym floor is included within this data.

7.12 Following the submission of the above information from the applicant, the Head of Streetscene and City Services confirms he is satisfied that the proposals would not result in an increase in parking demand in comparison to the existing A1 use.

7.13 The neighbouring and Councillor objections relating to parking and highway safety are duly noted. With the unit currently vacant it results in very little parking demand. However, the fall-back use of the unit and associated parking demand created by the existing A1 use must be taken into consideration and given significant weight in the absence of an objection from the Head of Streetscene and City Services and evidence of operational gyms elsewhere of comparable size and facilities to support parking demand projections, there is no demonstrable harm to highway safety and residential amenity.

7.14 ***Impact on District Centre***

As noted above, the site is located within the Beechwood District Centre. It is therefore necessary to assess the impact that the proposed change of use would have on the vitality and viability of the Centre. The District Centre includes the ground floors of no's 350 to 444 (even numbers only) on the south side of Chepstow Road. The application property is a large, prominent corner unit situated on the junction of Chepstow Road and Hawarden Road with a frontage of over 50m. An assessment of the existing uses within the District Centre has identified that there is a wide variety of shops and services including a news agents, carpet store, furniture store, beauticians, pet store and dry cleaners. There are also several hot food takeaways although it is not considered that there is an over-provision of takeaways in the Centre.

7.15 At the time of visiting there was a high level of occupancy with only a few units appearing to be vacant. Whilst there is not considered to be an over-provision of A3 uses, two of the neighbouring units are in A3 use, one being a Chinese Takeaway and the other an Indian restaurant. In combination with the proposed D2 use, this would mean that there would be a continuous stretch of 3 non-A1 units. However, the application property is currently vacant and has been since August 2016. As such it currently does little to contribute to the vitality or viability of the centre. The proposed D2 use would be open during the daytime and the proposed layout of the gym would feature fitness machines at ground floor and an active frontage to Chepstow Road. Retail planning policy acknowledges that it is important for retail centres to offer a variety of uses and the proposal would introduce a D2 facility which is not currently available within the District Centre. It is considered that the proposed change of use would result in a positive impact to the vitality and vibrancy of the Centre.

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 change of use would result in a positive impact on the vitality of the District Centre and would introduce a D2 use which is not currently available to the benefit of the health and wellness of users.

9.2 Sufficient information has been provided to mitigate highway safety concerns.

9.3 Subject to suitable conditions it is considered that the proposals would not result in a detrimental impact to neighbouring amenity.

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

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: 6345(P)203, 6345(P)102 Revision A, 01D.

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

Pre –occupation conditions

02 Prior to first occupation of the premises hereby approved, a scheme of sound insulation works to the ceiling, floor and party wall structure between the commercial property and any adjoining residential property shall be implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter in perpetuity.

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

General conditions

03 Prior to its installation, full details of any plant or equipment proposed to be located at the site shall be submitted to the Local Planning Authority and written approval received. The details shall include the noise rating level, calculated in accordance with BS4142 2014, against the existing background level, with no tonal element to the plant. The plant or equipment shall be installed in accordance with the approved details.

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

04 The hours of operation shall be restricted to between 6am to 11pm Sunday to Thursday and 6am to 1am on Fridays and Saturdays. Outside of these hours the premises shall be vacated and closed to the public.

Reason: In the interests of the amenities of occupiers of adjoining properties.

05 The premises shall be used for either A1 Retail or as a gymnasium within use class D2 and for no other purpose (including any other purpose in either Class A1 or D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: In the interests of neighbouring amenity, highway safety, the character of the area and the vitality and viability of the Beechwood District Centre.

06 The studio pod shall be no larger than 42sqm. No group exercise classes shall take place within the building other than in the studio pod.

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

07 The premises hereby approved shall be operated in accordance with the noise abatement details provided within section 6.14 of the Planning Statement accompanying the application.

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

NOTE TO APPLICANT

01 This decision relates to plan Nos: 6345(P)102A, 6345(P)202, site location plan and planning statement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP12, GP2, GP4, GP6, T4 and R7 were relevant to the determination of this application.

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

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

APPLICATION DETAILS

No: 17/0633 **Ward:** *GRAIG*

Type: FULL

Expiry Date: 02-NOV-2017

Applicant: *J THOMAS*

Site: *RUPERRA ARMS, 73, CAERPHILLY ROAD, NEWPORT, NP10 8LJ*

Proposal: *RETENTION OF TIMBER LEAN TO*

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks permission for the retention of a timber lean-to at the public house in the Graig ward. The Ruperra Arms is located on the corner of Caerphilly Road and Pentre-Poeth Road, opposite Graig Community Centre and the listed building of Fair Oaks, Pentre-Poeth Road.
- 1.2 The application is being reported to Planning Committee on request of Councillor David Williams.

2. RELEVANT SITE HISTORY

- 2.1 None.

3. POLICY CONTEXT

- 3.1 Newport Local Development Plan 2011-2026 (Adopted January 2015)
- 3.1.1 General Development Principles – GP2 General Amenity
The amenity enjoyed by people in their local environment should not be significantly harmed as a result of development.
- 3.1.2 General Development Principles – GP6 Quality of Design
High quality design should be sought in all forms of development.

4. CONSULTATIONS

- 4.1 None.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF LEGAL AND REGULATION (ENVIRONMENTAL HEALTH): Several 'noise app' recordings have been received due to noise in the beer garden. I believe that the canopy will encourage more customers to stand outside the restaurant and does have the potential to cause a noise nuisance to neighbouring residents. Recommends that the use of the beer garden is restricted to 10pm.
- 5.2 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): No objection.
- 5.3 HISTORIC BUILDING AND CONSERVATION OFFICER: Given the relatively modest scale of the new structure and the fact that it is viewed in the context of a modern car park and the altered rear elevations of the host building, it is not considered that the proposals would have a material impact on the setting of the grade II listed 17th century house, 'Fair Oak' which lies on the opposite side of Pentre-Poeth Road.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties with a common boundary and opposite were consulted (ten addresses). Two representations were received; one supporting the application and the other objecting to the retention of the structure, highlighting noise nuisance and highway safety concerns.

- 6.2 GRAIG COMMUNITY COUNCIL: No representations received.
- 6.3 COUNCILLORS: Councillor David Williams requested that the application be reported to Planning Committee to discuss the impact of the proposal on residential amenity.
7. ASSESSMENT
- 7.1 This application seeks retrospective planning permission to retain, a lean-to canopy constructed of timber with a tiled roof which has been erected at the Public House to provide covered access to the rear entrance of the premises. It is acknowledged that a bench is located beneath the canopy and the structure appears to be utilised as a smoking shelter adjacent to the uncovered outside seating area/beer garden.
- 7.2 The canopy projects 2.8 metres from the elevation of the building and measures 5 metres in length. It measures 3.3 metres in height to the ridge of the pitched roof, 2.5 metres to the eaves.
- 7.3 One letter of support has been received, commenting on the Ruperra Arms being an important community facility with a reputation of excellence. One further representation has also been received, objecting to the proposal on the following grounds:
- Noise generated by people using the smoking shelter and associated outside seating area. Bad language and noise causes a disturbance requiring windows to be kept closed.
 - The new structure has increased the amount of customers and the parking situation has increased, with not all vehicles being accommodated in the car park and parking on the road and junction .
 - The new structure has created a blind spot for people when coming out of the car park. There have been numerous near misses over the past few months especially if people decide to stand in the road, forcing cars onto the wrong side of the road towards the main road junction.
 - Lighting on adjacent pergola causing light pollution and nuisance.
 - Loss of two parking spaces due to the pergola/beer garden.
- 7.4 No objections have been received from Head of Streetscene and City Services (Highways) in relation to highway safety issues. The canopy is located next to the long established beer-garden area which consists of a more recently constructed pergola, seating and fencing but does not form part of this application. The erection of the canopy itself is over a private footway leading to the public house and has not resulted in any loss of parking and does not represent a detriment to highway safety.
- 7.5 Complaints have been made relating to noise nuisance attributed to the beer garden and the Head of Legal and Regulation (Environmental Health) suggests that the canopy could encourage customers to stand outside the restaurant. The nearest elevation of the complainants property is approximately 23 metres from the lean-to. It is also noted that a letter of support has been received from a property which is closer, at an approximate distance of 13 metres. The canopy is of a modest scale covering a private footway leading to the rear access of the public house and is capable of accommodating only a small number of people who may wish to wait under it. It is also considered that given the existing beer garden, which has been in place in excess of 10 years based on aerial images, and prior to the construction of the property of the objector, any noise increase is likely to be limited. Furthermore, it is not possible to impose conditions controlling customer usage times of the beer garden as suggested by Environmental Health since the garden is lawful and does not form part of the application. It is also noted that if any noise nuisance occurs, this can be controlled by separate Environmental Health legislation. It is therefore considered that the lean-to does not have a significant adverse impact on residential amenity, with particular regards to noise and disturbance.
- 7.6 The Council's Historic Building and Conservation Officer has no objections to the proposal and due to the modest scale of the proposal and its context does not consider that it would materially impact on the setting of the listed building opposite.

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 Due to the modest scale of the canopy and its design, it is not considered that it would result in a detrimental impact on the character or appearance of the streetscene or detract from the setting of the listed building opposite. The canopy is located within a well-established beer garden and it is considered that the proposal would not have an unacceptable impact on the amenity of surrounding occupiers or on parking provision and highway and pedestrian safety.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Elevations, Photos and Lean to Structure.

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

NOTE TO APPLICANT

01 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.

02 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.

03 The pergola and associated works does not form part of this permission and it is advised that permission is likely to be required for this development.

APPLICATION DETAILS

No: 17/0633 Ward: **GRAIG**
Type: Full
Expiry Date: 04-OCT-2017
Applicant: **J THOMAS RUPERRA ARMS, 73, CAERPHILLY ROAD, NEWPORT, NP10 8LJ**
Site: **Ruperra Arms, 73, Caerphilly Road, Newport, NP10 8LJ**
Proposal: **RETENTION OF TIMBER LEAN TO**

1. LATE REPRESENTATIONS

- 1.1 Please note that under paragraph 7.2 of the Officer Report the projection should be reported as projecting 1.8 metres from the elevation of the building rather than 2.8 metres.
- 1.2 Further correspondence has been received from the local resident who objects to the proposal. The comments received have been summarised as follows:
- 1.3 The structure is not for covering a walkway. It is a smoking shelter and so requires consideration to neighbours on the possible noise it can generate. The landlord has acknowledged that it is a smoking shelter.
- 1.4 A table is fixed to the wall under the shelter and the smoking and drinking just in this area has and does cause a major noise issue. The standing area then blocks the disabled access and proves the smoking shelter issues and is against the "disabled access laws".
- 1.5 The objector also raises concerns relating to the pergola/beer garden and other works that have been undertaken which do not form part of this application. Photographs have been submitted to accompany the objector's comments.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

- 2.1 The issue of noise nuisance has been raised in previous objections and has been addressed in the main report together with the suggested use of the canopy as a smoking shelter. Given the context of the proposal adjacent to the existing lawful beer garden, it is not considered that there would be a significant adverse impact over or above the lawful situation.
- 2.2 A table is situated under the lean-to which it is alleged blocks disabled access into the premises. The siting of the table does not require planning permission and provision of disabled access, if exists, is not a matter which is enforced by the Planning Department. Alternative ramped access is also available at the premises.
- 2.3 This application solely considers the lean-to structure. The pergola and other works that have been undertaken do not form part of this application. These are subject to ongoing enforcement investigation and may require planning permission which would be applied for separately.

3. OFFICER RECOMMENDATION

- 3.1 GRANTED WITH CONDITIONS

APPLICATION DETAILS

No: 16/0786 **Ward:** CAERLEON

Type: OUTLINE (MAJOR)

Expiry Date: 10-NOV-2017

Applicant: PONTNIR ROAD SUZUKI

Site: LAND AND BUILDINGS NORTH EAST OF 71, FORGE CLOSE, CAERLEON, NEWPORT

Proposal: RESIDENTIAL DEVELOPMENT COMPRISING MAXIMUM OF 16NO. DWELLINGS (OUTLINE)

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 seeks outline planning permission to demolish existing industrial buildings and erect up to 16no. affordable dwellings on this site located north of Forge Close, Caerleon. The indicative site plan submitted shows a mix of housing sizes and a mix of detached, terraced and semi-detached properties. The development comprises 2no. 4 bedroom detached units, 7no. 3 bedroom units (4 of which are shown as semi-detached) and 7no. 2 bedroom units. The dwelling units front onto a highway which provides access onto Forge Close and consequently Ponthir Road. The majority of the properties are shown with parking to their front curtilage and gardens to the rear, however, units 07-10 don't follow this pattern and parking is shown in a shared, banked parking area adjacent to unit 7. A turning area and landscaped area of open space is shown in the north-western corner of the site, where a TPO'd yew tree is to be retained.
- 1.2 All matters with the exception of access are reserved for future consideration although the maximum parameters and layout plan should be able to demonstrate that an adequate level of parking and amenity can be achieved. Initially the proposal was for open market housing however the applicant has since had discussions with local Social Housing providers Melin and now seeks to provide a 100% affordable scheme. Although a formal agreement has not been signed, the applicant states that Melin hope to develop the site themselves rather than through a contractor. This is not confirmed at this stage and therefore the identity of any future developer of the site can be given no weight. Since submission, the layout has also been amended to accommodate the requirements of the tree officer and to ensure future occupants have a sufficient level of amenity through limiting noise from the adjacent industrial buildings.
- 1.3 As the site comprises previously developed land within the defined settlement boundary its redevelopment is acceptable in principle and consistent to the LDP brownfield strategy. The additional houses would contribute to Newport's overall housing land supply and windfall allowance whilst contributing to the affordable housing within Caerleon which falls within the 40% affordable housing sub-market area as identified in Policy H4 of the Newport Local Development Plan. Heads of Terms have been agreed for financial contributions should any of the affordable units be sold on the open market. The 100% provision of affordable housing in itself offers significant merit but in accordance with Policy H4 is required to satisfy the policy.
- 1.4 The existing site is currently utilised for car parking and washing of vehicles and the open court yard is used largely for the storage of vehicles and is visible from public vantage

points and existing dwellings. It forms part of a wider, working, industrial estate and the implementation of the proposal will see these uses cease in this area, although similar uses will remain elsewhere on the estate. The agent has confirmed that the existing vehicles stored on the site will be disposed of and not transferred elsewhere on the estate and that no parking use, beyond storage, occurs and therefore the implementation of the proposal should not result in increased parking elsewhere in the area. The units on the site are to be demolished but those in the estate to the north are to remain and therefore the impact of their uncontrolled operation is a material consideration in this application. The impact of any historic land uses on the condition of the site in terms of levels of contaminants is also a primary consideration. Currently the site is accessed via Ponthir Road and through the estate, however, it is proposed to create an alternative access on the southern boundary into Forge Close, a residential estate. Creation of this new access will require the felling of 3no. trees at the location where the access meets Forge Close.

- 1.5 The site is L-shaped in plan and set below the level of Ponthir Road. 4no. properties known as Forge Cottages are located on raised land to the western boundary adjacent to and overlooking the site. A buffer of Council owned (and therefore protected by default) trees lies to the eastern boundary between the application site and properties on Forge Close.
- 1.6 Small pockets of the application site (parts of gardens of units 5,6, 11 and 12 on the indicative layout) lie within Zone C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). TAN 15 and LDP policy is clear that highly vulnerable development, which includes residential development, should not be considered in a C2 Flood Risk Zone. However, the area at risk does not include built development and only affects a small part of the site forming parts of gardens of some units. This is discussed in more depth below.
- 1.7 Caerleon High Street is an Air Quality Management Area and this development will generate traffic that will have no alternative but to travel through the AQMA. The impact of the proposal on air quality in Caerleon will be a primary consideration in this application.
- 1.8 There is a yew tree which is the subject of a Tree Preservation Order to the north-west corner of the site and a number of other trees which would be affected by the proposal, including the removal of a tree to make way for the proposed entrance to the development. Ecological information has also been submitted and considered in respect of bats and nesting birds in nearby buildings and trees.

2. RELEVANT SITE HISTORY

09/0041	ERECTION OF DETACHED DWELLING	REFUSED (APPEAL REF APP/G6935/A/09/2110568 DISMISSED)
08/0401	ERECTION OF DETACHED DWELLING	REFUSED

3. POLICY CONTEXT

- 3.1 **SP1 (Sustainability)** favours proposals which make a positive contribution to sustainable development.

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

SP10 (House Building Requirement) 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.

GP2 (General Amenity) states that development will not be permitted where it has a and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and antisocial behaviour, promote inclusion and provide adequate amenity for future occupiers.

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

GP5 (Natural Environment) states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.

GP6 (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.

GP7 (Environmental Protection and Public Health) states that development will not be permitted which would cause or result in unacceptable harm to health.

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

H3 (Housing Mix and Density) seeks a density of at least 30 dwellings per hectare on sites of 10 dwellings or more.

H4 (Affordable Housing) sets out the affordable housing targets for the four submarket boundaries and states that a committed sum will be sought where fewer than 10 dwellings are proposed in the settlement boundary and fewer than 3 dwellings within defined village boundaries.

H5 (Affordable Housing Exceptions) favours sites for affordable housing in or adjoining settlements that would not otherwise be released for market housing.

H6 (Subdivision of Curtilages, Infill and Backland Development) permits such development only where it does not represent an over development of the land.

EM3 (Alternative Uses for Employment Land) protects existing employment sites against development unless it can be demonstrated that the site has been marketed unsuccessfully for 12 months; there remains a sufficient range and choice of employment land to meet LDP requirements and local demand; there is no adverse impact on existing or allocated employment sites; and the proposal has no adverse impact on amenity or the environment.

4. CONSULTATIONS

4.1 **WALES AND WEST UTILITIES:** Wales & West Utilities has pipes in the area. Apparatus may be affected and at risk during construction works. The developer must not build over any plant or enclose apparatus.

4.2 **NATURAL RESOURCES WALES:**

Contamination:

A 'Phase 2 Preliminary Ground Investigation Report for Land at Brades, Caerleon Newport' has been prepared by Wilson Associates dated May 2016 and it is noted that contamination has been identified within the made ground encountered at leachable concentrations in some areas. This could pose a possible risk to controlled waters. The recommendations of the report are further supplementary investigations and it is advised that these include a preliminary risk assessment including any historic maps available.

It is recommended that the boreholes currently installed are utilised to confirm whether perched groundwater beneath the site is impacted. Water level data recorded can be used to approximate the groundwater flow direction. Information such as this as well as information provided within the 'Preliminary Ground Investigation Report' should be used to

identify associated sources, pathways and receptors. Soakaway infiltration testing has not been carried out in line with BRE 365. A minimum of three trial pit soakaway tests is favourable over a singular falling head test taken from within a borehole. The former provides a more accurate infiltration rate for soakaway design.

The site is located upon bedrock designated as a secondary aquifer. A culvert underlies the site which is in connection with a primary river which discharges to the Afon Lwyd, a designated SAC and SSSI. Based on this, the historic land use of the site, and identification of contamination as provided within the above report, the site is considered to be environmentally sensitive. The proposed development and drainage strategy that incorporates SUDS could make controlled waters vulnerable to unacceptable risk related to contamination. It is therefore recommended that a number of conditions are attached to any planning permission granted regarding land contamination.

Flood Risk:

The application site lies partially within Zone C2 as defined by the Development Advice Map (DAM) referred to under 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 partially within the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the Afon Lwyd, a designated main river.

All built development is located outside the flood outlines and only the gardens / open space areas could be at risk. Given this NRW considers the risk could be acceptable subject to the Authority being able to ensure no built development will take place in DAM zone C2. It is advised that the LPA consider removing permitted development rights from the gardens. This can reduce the effect of flooding from and to the development and future occupants. Whether a development is justified is entirely a matter for the LPA.

In areas at risk of flooding, consideration should be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor, and locating electrical sockets/components at a higher level above possible flood levels.

- 4.3 DWR CYMRU WELSH WATER: Request that Conditions and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.
- 4.4 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: It is conceivable that buried archaeological resource may be encountered during ground works at this development. Therefore in order to mitigate the impact of the development on any buried resource it is recommend 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 Members

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (TREES): The revised layout is much better regarding the TPO'd yew tree as it gives it the protection of being sited within an open space and not confined within a garden. This tree will provide a high quality aesthetic character to the development and be to the benefit of all. Moving forward, an overlay with the tree protection plan should be shown on the revised proposed housing layout. For clarity the trees should be annotated and correspond with the tree schedule which forms part of the Arboricultural Report ,dated 3 March 2016.

The proposed plots no6 and 16 appear to be in very close proximity to the existing trees and potential conflicts between houses and trees should be designed out. Questions remain however including:

- Are there any changes in ground level on the open space with the protected yew tree?
- The woodland belt to the rear of plots 3-16 inc. is owned by Newport City Council and as such is protected by Council Policy. Therefore, tree constraints e.g. age, species, size, shadow pattern in accordance with BS5837:2012 need to be investigated and this information should be submitted.

- What is the proposed regarding boundary treatment regarding these trees ?
- What is the boundary treatment to the rear of plots 1 and 2.

- 5.2 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPING): Objects to the original submission and no additional comments were made regarding the revised layout.

It is immediately obvious from the far too over-crowded layout, with frontages full of car parking and very little else, that the landscape has definitely not been considered as part of the planning process. Building too close to existing trees just outside the boundary is also unacceptable.

Due mainly to the lack of available space for tree and shrub planting, this simplistic layout would result in an extremely poor-looking environment upon entering the site.

- 5.3 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): Concurs with the recommendations outlined in both the bat survey and the ecological appraisal and would recommend that an ecologist be on site when the roof is being removed as a precautionary approach. Details of this person will need to be submitted to the NCC Ecology Officer.

Recommend that bird and bat boxes be erected as an ecological enhancement.

- 5.4 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): This is an outline application with only access being determined and I have no objection in principle.

Continuous 2 metre wide footways are required around all of the carriageway. A turning area accommodating a refuse vehicle will be required to enable it to enter and leave in a forward gear. Information submitted in respect of horizontal and vertical visibility and footways is acceptable for the shared surfaces proposed.

Off street parking in accordance with our parking standards is required. 53 spaces, including 4 visitor spaces, are required whilst only 44 are proposed.

- 5.5 HEAD OF STREETSCENE AND CITY SERVICES (ACTIVE TRAVEL COORDINATOR): no response.

- 5.6 HEAD OF REGENERATION, INVESTMENT AND HOUSING (HOUSING STRATEGY MANAGER): Properties appear to comply with Welsh Government guidance/space standards for affordable properties though they are identified as market properties on the application form. If the properties were to be transferred to an RSL this would be particularly welcomed due to the extremely high housing need there is in the area, the mix of units proposed would address this housing need well. This area of the City falls within the 40% requirement for affordable housing.

There is significant housing need in the area and the properties proposed address, however to date there is no formal agreement with a housing association and so it is not possible to confirm that properties will be affordable in perpetuity.

- 5.7 HEAD OF REGENERATION, INVESTMENT AND HOUSING (PLANNING CONTRIBUTIONS MANAGER): The proposal is for 16 affordable dwellings. Council policy (specified in the adopted Planning Obligations SPG 2015) stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations. As such, only 'market' units count towards leisure and education contributions. 'School Capacity' is calculated taking account of: current school capacities; demand generated by extant permissions and/or Joint Housing Land Availability supply; and, future pupil number projections over the lifetime of the related planning permission;

In the event that the dwellings are sold or rented on the open market, 40% of the development would be required to be affordable housing (at no more than 50% of the Acceptable Cost Guidance). Mix and type to be agreed with the Council.

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 and transferred to a Newport registered RSL.

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.

Education: In the event that the dwellings are sold or rented on the open market, the sums required will be dependent upon the scale, mix and type of dwellings proposed in any future related reserved matters application. As such, the following will be required towards education provision: formula will be used to calculate the exact sum:

- Number of primary pupils generated by market dwellings (at date of validation of the associated Reserved Matters application) in excess of available capacity at Lodge Hill Primary School x £16,115 = Primary Education Sum;
- Number of secondary pupils generated by market dwellings (at date of validation of the associated Reserved Matters application) in excess of available capacity at Caerleon High School x £15,302 = Secondary Education Sum;
- Number of post 16 pupils generated by market dwellings (at date of validation of the associated Reserved Matters application) in excess of available capacity at Caerleon High School x £16,427 = Post 16 Education Sum;

All Education Sums will be index linked to the BCIS and paid prior to occupation of the 9th dwelling

Leisure: In the event that the dwellings are sold or rented on the open market, future Equipped and Formal Play sums will be dependent upon the scale and type of dwellings proposed in any related reserved matters planning application. As such, the following formula will be used to calculate the exact sum:

- Number of one bed 'open market' dwellings (at date of validation of the related reserved matters planning application) x £1,821;
- Number of two bed 'open market' dwellings (at date of validation of the related reserved matters planning application) x £2,429;
- Number of three bed 'open market' dwellings (at date of validation of the related reserved matters planning application) x £3,643;
- Number of four bed 'open market' dwellings (at date of validation of the related reserved matters planning application) x £4,857;
- Number of five bed 'open market' dwellings (at date of validation of the related reserved matters planning application) x £4,857.

All Leisure Sums will be index linked to the Retail Price Index and paid prior to occupation of the 9th dwelling

5.8 LEISURE: any financial requirements will be coordinated through the Planning contributions Manager.

5.10 EDUCATION: No response

5.11 HEAD OF LAW AND REGULATION (PUBLIC PROTECTION MANAGER):

Contaminated Land: The site investigation report has identified contamination across the site. As recommended in the report, it is agreed that further site investigation work is required to determine the level and extent of contamination across the site to inform a robust remediation strategy. Similar points have been raised by NRW with respect to controlled waters. Furthermore, given that this is a partial redevelopment of a larger industrial estate that has been in existence for some time, the issue of chemical migration of contaminants to the site from offsite sources should be fully explored. To ensure this work is carried out recommends standard contaminated land conditions are implemented.

Air Quality: In considering the air quality impact of a development which is in close proximity to (but not within) an Air Quality Management Area (AQMA) - the primary concern relates to the net change in road traffic and associated vehicle emissions. For example a single HGV is approximately 15 times more polluting than a single petrol vehicle. As such redeveloping an industrial site to a residential may actually have a positive impact on air quality, depending on the net change in traffic removing HGVs and replacing with less/zero polluting forms of transport.

At the same time the development should be encouraged to maximise the potential positive impact on air quality. Alternatively, if the development was for a green field site, or were to increase the number of HGV movements the net change in traffic would, on balance, have a negative impact on air quality and the neighbouring AQMA.

With this in mind the Air Quality Technical Note was submitted by RCA Transport on behalf of the developer following discussions with Environmental Health. The document summarises the net change in traffic and what mitigation measures are feasible to implement. It indicates the current vehicle movements are ZERO and the proposed development will introduce approximately 75 two way movements by car per week day. Based on this information the relatively small amount of additional traffic would have an impact on the air quality and may cause some degree of additional congestion.

However, the reported zero vehicle movements (which is questionable), should be balanced against the fact the current industrial/commercial land use could allow for significant HGV movements without the requirement for a change in planning use. Therefore on balance the redevelopment of the site to residential use will remove the actual / potential impact on air quality.

The technical note also provides some proposals to encourage a change in vehicle / transport modes, for example providing electric charge points. Others have been dismissed such as travel planning welcome pack due to limited funds. It is encouraging that some attention is being made by the developer to facilitate a modal change in transport types/forms. However, given that the welcome pack is being discounted due to limited funds suggests the bare minimum is being offered.

Overall the development will change the land use from industrial to residential and remove a proportion of actual (or possible) HGV movements that are more polluting than a standard petrol car. Therefore no reason to object to the development on air quality grounds. It is encouraging that some air quality mitigation measures have been proposed, even if these are the bare minimum.

Furthermore a management plan to reduce the number of vehicle movements in the construction phase (especially HGVs) and routes that avoid the AQMA should be taken into consideration, along with other methods of helping to limit vehicle trips. This could form part of a CEMP the wording of a condition can be discussed at a later date.

Noise: Initial concerns regarding the noise assessment submitted. The adjacent industrial estate contains 24 hour unrestricted businesses including Chris Spiteri & Son (vehicle recovery service and repair), Alan Counsell Sand & Stone Ltd and Caerleon Ready Mixed Concrete Ltd. Complaints have been received by Newport City Council regarding some of the businesses on the industrial estate, particularly early morning noise.

The assessment submitted was considered insufficient to capture the full impact of the industrial estate on the proposed residential development. However, a further assessment has since been submitted.

The mitigation schemes provided in Part 5 of the Hepworth Acoustics Noise Assessment report No: P15-484-R02v3 (Feb 2017) to include a mechanical ventilation strategy for all dwellings should be conditioned prior to the occupation of any of the dwellings.

Finally with regard to protecting external noise levels as provided in the consultants email 7th June 2017 it is recommended that any grant of planning permission is subject to condition requiring a 3m high fence to the northern boundary of plot 3.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties within 50m of the application site were consulted (65 properties), a site notice displayed on Forge Close site notices displayed, and a press notice published in South Wales Argus from 13 August 2016. 9 neighbours have objected. Their comments can be summarised as follows:

- Drainage problems are already experienced by Forge cottages owing to the Lodge Estate, the proposal should not exacerbate these problems;
- The removal of trees adjacent to the bank with 1 Forge Cottages could cause its collapse;
- The existing site is likely to be contaminated;
- The proposal will overload the highways network in Caerleon and exacerbate existing traffic and parking problems;
- Ponthir Road is already very busy and vehicles from Forge Close find it difficult to emerge onto highway at peak times;
- Services such as doctor, schools and local amenities are already overloaded and the proposal will worsen these;
- There will be an increase in pollution and waste;
- Forge Close is very narrow and vehicles park close to the proposed site access which in combination makes parking for difficult for properties located opposite the site. The new access will exacerbate this and cause safety issues;
- Vehicles emerging from access will cause a safety issue owing to lack of visibility on the hill particularly when there is poor weather and when refuse lorries are in operations;
- There will be an increase in mud on the highway;
- As there are no facilities for children locally, they play in the road and an increase in vehicles will cause a road safety issue;
- The new properties will result in overlooking and increased noise,
- An increase in hard landscaping will increase risk of flooding.
- The proposal will be detrimental to the existing community character of Caerleon.

6.2 COUNCILLORS: Councillor Giles and former Councillor Suller have objected to the application on the following grounds:

1, An extensive survey with mechanical equipment and physical factors has taken place in Caerleon over a lengthy period of time which has concluded that the air quality within Caerleon is totally unacceptable. The conclusion is at present very little can be done about this because of the volume of traffic in and out of Caerleon and a number of steps have been taken to try and help the flow of traffic but have not made much impact but these steps are very much appreciated.

It is on the grounds that this development would add extensively to an already existing air pollution problem by virtue of the extra volume of traffic it will generate and on the studies taken place proving that very poor air quality existing in Caerleon.

2, The traffic situation in Caerleon as our Highways Department are aware of has come to a totally unacceptable level. The infrastructure in Caerleon has reached a level of being unable to cope with its already over populated community. This development would add to these difficulties. Caerleon is a Historic Town which adds to the problems having just one way in and out. One wonders if our one and only bridge can take much more, parking if you can find any is at a premium and of course we also have a one way system and three very thriving industrial estates also generating heavy flows of traffic.

To add to the population would bring difficulties to the existing population as we have very little amenities with in Caerleon. Those that are here are oversubscribed already and are unattainable to the majority in this community.

The access to the development is one that is fraught in our view with problems and is unacceptable as it will come into an estate with three accesses surrounding it and all converging at the junction on to Ponthir Road.

6.3 CAERLEON CIVIC SOCIETY: Objects in support of local residents.

7. ASSESSMENT

- 7.1 The application site is previously developed land within the defined settlement boundary and its redevelopment is therefore acceptable in principle and consistent with the LDP brownfield strategy. The additional houses would contribute to Newport's overall housing land supply and windfall allowance. However, Newport currently has a 6.1 year residual land supply well above the 5 year requirements and is not under pressure to release more sites for housing.
- 7.2 There is an on-going requirement to provide affordable housing within the Newport Local Development Plan. In Caerleon, owing to the level of need, there is a target to provide 40% affordable housing. The proposal is for 100% affordable housing and so is exempt from financial contributions towards the provision of such housing set out under Policy H4. Policy H5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) favours proposals for the provision of affordable housing on sites in or adjoining existing settlements that would not otherwise be released for development provided that there is a genuine local need and suitable arrangements are in place to ensure that low cost is maintained for all subsequent applications. The application site therefore does not only represent a windfall in terms of overall housing supply but also affordable housing supply. In terms of demonstrating genuine need for compliance with Policy H5, there is an annual unmet housing need in Caerleon of 43 units a year. For general needs accommodation this is made up of 32 one bed units, 1 two bed unit, 5 three bed units and 4 four bed units. There are currently 1,656 applicants with active housing applications on the waiting list seeking accommodation in Caerleon. 799 applicants are single people and 531 had children or access to children. To date no formal agreement has been made with a Social Housing Provider although the applicant has been in discussions with Melin Homes.
- 7.3 Although not allocated as employment land, the proposal would result in the loss of land which is used for employment. Policy EM3 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) states that alternative uses on business, industrial and warehousing land will be resisted unless: i) the site has been marketed unsuccessfully for employment purposes for a minimum of 12 months; ii) there remains a sufficient range and choice of employment land to meet LDP requirements; iii) the proposal has no adverse impact on existing or allocated employment sites and iv) has no adverse impact on the environment or amenity. In respect of this application, evidence has not been submitted to suggest the land is no longer viable for employment and so does not comply with i) of EM3. The proposal is considered acceptable against criteria (ii) and (iii) as the city has a plentiful supply of employment land and the loss of this site in particular does not prejudice LDP objectives. The following paragraphs will assess the impact of the proposal on the environment and amenity. However, the proposal does not comply with Policy EM3 and thus must be considered in conjunction with other LDP policies and other material considerations.

Flood Risk

- 7.4 NRW acknowledge that small portions of the site are within a C2 flood risk area on the indicative layout, however, given these areas are within gardens and do not include any built development NRW considers the risk could be acceptable subject to the Authority being able to ensure no built development will take place in DAM zone C2. A condition will therefore be attached to any permission granted to ensure C2 areas are free of development in the interests of public health and safety and minimising risk of property damage.

Site Contamination

- 7.5 The site investigation report has identified contamination across the site. As recommended in the report, the Head of Law and Regulation (Public Protection) agrees that further site investigation work is required to determine the level and extent of contamination across the site to inform a robust remediation strategy.
- 7.6 NRW identify similar points with respect to controlled waters. It identifies that the site is located upon bedrock designated as a Secondary A aquifer. A culvert underlies the site which is in connection with a primary river which discharges to the Afon Lwyd, a designated SAC and SSSI. Based on this, the historic land use of the site, and identification of

contamination, the site is considered to be environmentally sensitive. The proposed development and drainage strategy that incorporates SUDS could make controlled waters vulnerable to unacceptable risk related to contamination. It is therefore recommended that a number of conditions are attached to any planning permission granted regarding land contamination including the submission of a risk assessment, verification report, long-term monitoring, control in respect of unforeseen contamination, prevention of surface water draining into the ground through a sustainable drainage system and prevention of piling.

- 7.7 Furthermore, given that this is a partial redevelopment of a larger industrial estate that has been in existence for some time, the issue of chemical migration of contaminants to the site from offsite sources should be fully explored. To ensure this work is carried out the Head of Law and Regulation (Public Protection) recommends standard contaminated land conditions are implemented.

Air Quality

- 7.8 Caerleon High Street is classified as an Air Quality Management Area (AQMA) owing to traffic and associated emissions. Both neighbours and local ward Councillors raise the anticipated impact of the proposal on air quality as an objection to the application.
- 7.9 The Head of Law and Regulation (Public Protection) recognises that the net change in road traffic caused by the development is a primary consideration, although acknowledges that the redevelopment of this industrial site to residential may actually have a positive impact on air quality by reducing HGV's and replacing them with less polluting forms of transport.
- 7.10 The submitted Air Quality Technical Note indicates that the current vehicle movements are ZERO and the proposed development will introduce approximately 75 two way movements by car per week day, 28 of which would travel through the AQMA. Although small in number this would have an impact on air quality and may cause some degree of additional congestion.
- 7.11 The reported zero existing vehicle movements associated with the operations on site is highly questionable as the site is currently used for car storage and car breaking and at least a small proportion of employees and vehicle deliveries are likely to travel through Caerleon to get to the site. Site visits have shown an area that is busy with parked vehicles. The implementation of the proposal would result in the cessation of the existing uses and although similar uses exist throughout the industrial estate, the intensity would be reduced, along with the number of associated vehicle trips. Furthermore, this should be balanced against the fact the current industrial/commercial land use is lawful and unconstrained and could therefore allow for significant HGV movements without the requirement for a change in planning use. Therefore on balance the redevelopment of the site to residential use will potentially be beneficial as will reduce the industrial area at Ponthir Road and typical vehicle movements associated with mixed industrial area.
- 7.12 Overall the development will change the land use from industrial to residential and remove a proportion of actual vehicle movement and possible HGV movements that are more polluting than a standard petrol car. It is therefore considered that the proposal will not have an adverse impact in terms of air quality. The Head of Law and Regulation (Public Protection) has however recommended that a management plan to reduce the number of vehicle movements in the construction phase (especially HGVs) and routes that avoid the AQMA should be required to be submitted, along with other methods of helping to limit vehicle trips such as a requirement for a scheme of on site vehicle charge points, and therefore this will be required by condition.

Noise

- 7.13 The application site is adjacent to an existing industrial area which contains businesses with 24 hour unrestricted hours of operation, including vehicle recovery and repair directly north of the site, car breakers and ready mixed concrete (approximately 65m away) businesses. Therefore, the impact of these industries in terms of noise and disruption upon the proposed dwellings is a primary consideration in the determination of this application.
- 7.14 The Head of Law and Regulation (Public Protection) reported that complaints have been received from existing residents of Forge Close regarding noise from the estate and

considered that the initial noise assessment submitted was insufficient to capture the full impact of the industrial estate on the proposed residential development. However, a further assessment has since been submitted (August 2017) and the indicative layout of the proposal amended to relocate properties further away from the worst noise receptor points which has in turn improved both internal and external noise levels. This amended indicative layout does not result in encroachment into the C2 area demonstrating that the layout does allow for some flexibility. The most recent report details that measurements were taken from 4 different locations across different time frames on 2 different days. It was concluded that the nearest adjacent car repair business, based on the current situation with no noise mitigation measures in place, is likely to be of a significant adverse impact at the boundary of the two sites. However, the absolute levels of noise at the site do not present any substantial constraints in terms of achieving the relevant BS 8233 guidelines. It was also concluded that Caerleon Ready Mixed Concrete, based on the current situation with no noise mitigation measures in place, is likely to be of a significant adverse impact at the boundary of the two sites, depending on the context during early morning (6.30am onwards) but that this can be resolved through design measures. Given the characteristics of the noise at the adjacent use, it is therefore appropriate to adopt lower noise limits below the standard guidelines.

- 7.15 The report concluded that noise can be suitably mitigated through implementation of the following design features, although recognised that the proposal was for outline planning permission and the layout could be subject to change in future planning applications:
- Utilise position and orientation of dwellings to reduce external noise levels to amenity areas;
 - Erection of a 3m high acoustic fence along entire northern boundary of 2 sites to minimum mass and thickness requirements to protect outdoor areas;
 - Façade and sound insulation treatment to northern elevations;
 - Acoustic glazing and mechanical ventilation in upper floor and ground floor habitable rooms, and
 - Standard thermal double glazing and trickle vents to other rooms
- 7.16 The Head of Law and Regulation (Public Protection) is satisfied with the details of the noise assessment and recommends that any planning permission should be implemented in accordance with the recommendations of the noise report with the addition of a mechanical ventilation strategy for all dwellings. With mitigation it is therefore considered that the proposal would not have an adverse impact upon the residential amenity of future occupiers in terms of noise.
- 7.17 One neighbour objection has suggested that the occupation of the proposed residential dwellings would create additional noise. However, the site is currently occupied by industrial buildings which appear to be used for car repair, storage and breaking and the noise assessment identifies that there is clearly an existing level of noise being generated in the area generated from the existing industrial estate, railway line and highway. The replacement of the existing industrial units with 16 no. residential properties is unlikely to increase local noise levels above those currently experienced to the extent where it would have an adverse impact on the residential amenity of existing residents.

Parking and Highway Safety

- 7.18 The agent has confirmed that the existing vehicles stored on the site will be disposed of and not transferred elsewhere on the estate and that no parking use, beyond storage, occurs and therefore the implementation of the proposal should not result in increased parking elsewhere in the area. The proposed development is for a maximum of 16 no. dwellings. The no. of parking spaces required is set out within the Supplementary Planning Guidance for Parking Standards and are summarised in the table below:

House Type	No. of dwellings	No. of spaces
4 Bed	2	6
3 Bed	7	21
2 bed	7	14
Visitor spaces	per 5 dwellings	4

- 7.19 A total of 44 parking spaces have been shown on the submitted site location plan. The Head of Streetscene and City Services (Highways) initially stated that 53 spaces (including 4 visitor spaces were required) however this is an error and the table above accords with SPG requirements for parking zone 3, which Caerleon is classified as. Sustainability criteria have not been submitted to justify the shortfall in parking, however, it is worth noting that this layout is indicative and the site appears capable of accommodating 1no. additional parking space. Furthermore, the application is for a maximum of 16 dwellings. If a shortfall persisted in a future planning application the number or mix of dwellings could be adjusted to ensure that the parking provision was SPG compliant. Although this application seeks only to consider access, a condition will be attached to any planning permission to ensure that parking standards are complied with.
- 7.20 A number of neighbours were concerned about the impact of the proposal on highway safety primarily because of visibility and the existing narrow width of Forge Close. However, comments were also made about the increase in traffic generation and difficulty of egress onto Ponthir Road. It has already been established that the existing site has the potential to generate mixed industrial traffic movements and therefore this balances the increase in traffic generated by the proposal travelling through Caerleon. However, the access onto Forge Close is new and existing residents currently park along the northern side of the highway where the access is proposed, which has the effect of narrowing it. The access will measure approximately 17.7m where it meets Forge Close and horizontal visibility has been shown to meet standards of 2.4m x 43m. The Head of Streetscene and City Services (Highways) is satisfied with information submitted in respect of both horizontal and vertical visibility and has no in principle objection in respect of highway safety of the access. The access itself, and the matter which is under consideration in this application is therefore considered acceptable.

Design

- 7.21 Policy GP6 aims to achieve good quality design in all forms of development. Although the designs submitted are indicative at this stage, the Design and Access Statement demonstrates that the local context and character and design of properties in the area has been taken into account and the indicative designs would be unlikely to have an adverse impact on the character and appearance of the area, although will be considered in greater depth on submission of detailed plans. The development does not appear to be over-developed and dwellings appear well positioned within the site, minimising overlooking.
- 7.22 Dwellings should be built to the required standards and the Supplementary Planning Guidance for New Dwellings states that for dwelling houses 1 square metre of private amenity space should be provided for every metre of unit footprint. The existing layout shows that the majority of gardens meet the minimum depth of 10m with the exception of plots 1, 2, 10 and 9 which are slightly below the minimum SPG standard. However, the layout currently provides the flexibility to increase these garden depths slightly to meet the minimum requirements and the design of the dwellings can be adjusted so that there is no unacceptable window to window overlooking.
- 7.23 The design of the indicative layout is considered to be in-keeping with the cul-de-sac format which is dominant in the immediate locality. Policy H3 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) states that residential development of 10 dwellings or more should provide a mix of housing and should be built at a density of at least 30 dwellings per hectare. The proposal for 16 dwellings would be built at a density of 36.36 dwellings per hectare and so would make an efficient use of the land whilst also providing a mix of housing types and sizes and is therefore compliant with Policy H3 in this respect.
- 7.24 The proposed layout currently provides flexibility to mitigate against site constraints through design, e.g. trees, landscape, parking, C2 flood zone areas. However, an increase in the number of dwellings on site would jeopardise this and therefore a condition will be attached

to any permission granted to limit the maximum number of dwellings on the site to 16, although it is acknowledged that any future application may include a different mix of dwellings or lesser number in order to satisfy parking and landscape considerations in particular.

Ecology, Landscaping and Trees

- 7.25 The proposal will involve the demolition of existing buildings and removal of a small number of existing trees, whilst being in close proximity to other trees which are to be retained. Bat and Ecological Surveys and an Arboricultural Report have been submitted for consideration.
- 7.26 The ecological report by Worcestershire Wildlife Consultancy confirms the site to be of low ecological value and identified there being Japanese Knotweed on the site and if protected species are encountered during development, work will cease immediately. No evidence of bats was discovered during the assessment period although it is recommended within the report that an ecologist is present during the removal of the slate roof of the main building as a precaution. Suggestions for enhancement for bats are also made within the report through inclusion of native trees and flowering shrubs into landscaping schemes and the installation of bat boxes to the south-east and south-west elevations of buildings. The agent dealing with the application has confirmed that it would be agreeable to attach a condition requiring the installation of bat boxes. The Head of Streetscene and City Services (Ecology) concurs with the recommendations outlined in both the bat survey and the ecological appraisal. Details of the ecologist to be present during demolition works will be required through a condition attached to any permission granted and a condition will be attached to any permission granted to require the submission of a scheme for the removal and prevention of spread of Japanese Knotweed.
- 7.27 The Arboricultural Report submitted considered 46 trees, the majority of which are located on neighbouring land and 3 of which will have to be felled to allow for access from Forge Close and a further tree beyond the north-eastern boundary will require removal to allow for the construction of dwelling plots. Other category U trees are proposed to be removed because of their poor condition whilst the remaining trees will be protected during the course of construction. Since the submission of this report, the indicative layout has been varied and no dwellings are proposed in the north-western corner of the site.
- 7.28 The Head of Streetscene and City Services (Tree Officer) has expressed a preference for the new layout as it gives better protection to the TPO'd yew tree in the north-western part of the site as it will be located within an open space and not confined within a garden. This tree will provide a high quality aesthetic character to the development and be to the benefit of all. When the final design proposals are submitted, an overlay with the tree protection plan should be shown on the revised proposed housing layout. For clarity the trees should be annotated and correspond with the tree schedule which forms part of the Arboricultural Report, dated 3 March 2016. The Head of Streetscene and City Services (Tree Officer) identifies that proposed plots no6 and 16 appear to be in very close proximity to the existing trees and potential conflicts between houses and trees should be designed out. In subsequent applications consideration will need to be given to the impact of any ground level changes on the protected yew tree, tree constraints of the Council owned tree belt to the rear of plots 3-16 and the impact of proposed boundary treatment. A condition will be attached to any permission granted to require a further tree assessment but importantly, based upon the information submitted with this outline application an acceptable scheme/layout can be achieved in officer view. Importantly though, the site currently appears as a car storage area with the protected yew tree in particular constrained by hard surfacing, existing fencing and parked vehicles. The proposed scheme is beneficial in this respect as will "green" the area around the yew tree to afford it greater space and improved amenity.
- 7.29 The occupant of 1 Forge Cottages is concerned that the removal of trees within the site could result in the collapse of an existing unstable bank. The stability of this bank could have an impact upon the safety of future occupants and forms a boundary with plots 1 and 2. Details required by condition will therefore include the submission of site sections and details of a retaining structure along this boundary if required.

- 7.30 The Head of Streetscene and City Services (Landscape) objected to the originally submitted scheme owing to the perceived lack of space available for landscaping and domination of frontages by car parking which would have an adverse impact on the appearance of the scheme. However, since these comments were made, the layout of the site has been changed with an area of open space and TPO'd yew tree forming a key and pleasant focal point within the site. Furthermore, landscaping is reserved for future consideration rather than under this application and although the point with respect to overcrowding is noted, that does not appear to be the case and it is considered there is room for landscaping. Parking spaces do appear dominant along the main route way into the site, however, these can be broken up through landscaping and arrangement in future design proposals.

Other Matters

- 7.31 The application site is not within the identified archaeologically sensitive area however, The Glamorgan Gwent Archaeological Trust has commented that it is conceivable that buried archaeological resource may be encountered during ground works at this development and therefore recommend 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.
- 7.32 Dwr Cymru Welsh Water have not objected to the proposal but have recommended that conditions are attached to any permission granted to protect Welsh Water's assets and prevent overloading of the public sewerage system through prevention of drainage of surface water into the public sewerage network and to ensure that foul water shall be directed to a specific manhole. The occupant of 1 Forge Cottages was concerned that the proposal would overload the sewerage system and the inclusion of these conditions should allay that concern.
- 7.33 Neighbour objections were raised with regards to the impact of the proposal on local services and school places. 'School Capacity' is calculated taking account of current school capacities, demand generated by extant permissions and/or Joint Housing Land Availability supply, as well as future pupil number projections over the lifetime of the related planning permission. The development falls within the catchment area of Caerleon High School ('school capacity' projects a deficit of 162 pupil places at 2022) and Lodge Hill Infants & Junior School ('school capacity' projects a surplus of 15 pupil places at 2022). The development is also served by Charles Williams Church in Wales Primary School ('school capacity' projects a deficit of 22 pupil places at 2022); As the proposal is for affordable housing no financial contributions will be required in respect of providing additional school as this is the Council's correct policy. However if any units are sold on the open market then contributions will be sought via standard formula to be inserted into the S106. Heads of Terms on this basis have been agreed.
- 7.34 Policy H4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) requires that 40% affordable units will be required in Caerleon. Contributions towards education and leisure would be expected in respect of the remaining market housing unless this can be demonstrated to be unviable.

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 in principle and the details of the access onto Forge Close are considered acceptable and not detrimental to highway safety. It is considered possible to mitigate for contamination and noise through the use of planning conditions and the proposal will have a negligible impact upon air quality within the AQMA. The proposal will result in the loss of employment land and place some additional pressure on local services and education, however, the loss of employment land in this location is not considered to jeopardise development plan objectives and the significant benefit offered through the satisfaction of Policy H4 (affordable housing) far outweighs both of these negative impacts. The proposal is therefore considered acceptable subject to the following conditions and a section 106 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: Zeb926 P0001 Rev F Proposed Site Plan, Zeb926 P0004 Indicative Site Section, Location Plan (Sep 2017), 22 Aug 17 email to Carl Jones re visibility splays, noise Assessment (August 2017), 18 Jul 17 email from Sam Jones of RCA confirming 100% affordable housing, 30-Jul-17 Technical Note to Carl Jones re highways comments, Technical Note re Air Quality, Bat Survey October 2016, Ecological Survey October 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

02 Approval of the details of the layout, scale, appearance of the building(s) and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority.

Reason: In accordance with Article 3(1) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

Pre- commencement conditions

03 Prior to the commencement of demolition works, details of name of a suitably qualified ecologist who shall be present during the removal of the roof of the buildings to be demolished shall be submitted to in writing and agreed by the Local Planning Authority.

Reason: In the interest of protecting the ecological Resource

04 Prior to the commencement of development a scheme for the provision of electric vehicle charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented prior to the first occupation of any dwelling and the charging points shall remain in place and available for use in perpetuity.

Reason: In the interest of encouraging low/zero emission forms of transport. Details of electric charging points

05 Prior to the commencement of development a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the occupation of any dwellings and shall be retained thereafter;

Reason In the interests of visual and residential amenity.

06 Prior to the commencement of development a mechanical ventilation strategy for all dwellings shall be to be submitted and approved in writing by the Local Planning Authority prior and implemented as approved prior to the first occupation of any of the dwelling units.

Reason: In the interest of residential amenity.

07 Prior to the commencement of development, to include demolition, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, air quality*, vibration, dust** and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. Notwithstanding the approved Air Quality Note measures to minimise the impact on air quality should include HGV routes avoiding Air Quality Management Areas and avoid vehicle idling. The approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

* The Institute of Air Quality Management <http://iaqm.co.uk/guidance/>

** The applicant should have regard to BRE guide 'Control of Dust from Construction and Demolition, February 2003

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

08 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 identifying previous uses and potential contaminants, 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.

09 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

10 Prior to the commencement of development details of a scheme for the implementation of a Sustainable Drainage System which prevents any infiltration of surface water into the ground shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

Reason: To prevent pollution of controlled waters

11 Prior to the commencement of development details of any works involving piling or any other foundation designs using penetrative methods shall be first submitted to and approved in writing by the Local Planning Authority. Where these methods are proposed it shall be demonstrated that there will be no resultant unacceptable risk to groundwater. The development shall then be carried out in accordance with the approved details.

Reason: To prevent pollution of controlled waters.

12 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.

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

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

Parking and visibility

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

- (a) Trees and hedges to be retained/felled clearly identified and marked on a plan;
- (b) Trees and hedges requiring surgery;

- (c) The root protection areas to be identified on plan for retained trees and hedges;
 - (d) The type and detail of the barrier fencing to be used to safeguard the root protection areas;
 - (e) The precise location of the barrier fencing, to be shown on plan.
- The development shall be carried out in accordance with the approved Tree Protection Plan.

Reason: To protect important landscape features within the site.

15 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 showing the difference in height between the proposed dwellings and existing dwellings have been submitted to and approved in writing by the Local Planning Authority. This shall include details of any existing and proposed retaining structures and a methodology for construction of the latter. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of visual and residential amenities

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

17 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.

18 Prior to the commencement of development a parking plan and plan to show that refuse vehicles can turn on site and thereby enter and leave in forward gear shall be submitted to and approved by the Local Planning Authority and the details shall be implemented as approved and retained in perpetuity.

Reason: In the interests of highway safety.

19 No development, other than demolition, shall commence until the visibility splays and sight line areas for the access onto Forge close shown on the approved drawings have been provided. All these areas shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres.

Reason: In the interests of road safety and traffic movement.

20 Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved in writing by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved protocol.

Reason: In the interest of environmental protection.

21 Pursuant to discharging a layout for the site as a Reserved Matter, full noise mitigation details which have regard to the Noise Assessment report by Hepworth Acoustics (August

2017) and to include a 3 metre high acoustic fence to the sites northern boundary , shall be submitted to and approved in writing by the Local Planning Authority and details installed as approved prior to the occupation of any dwelling and retained in perpetuity.
Reason: In the interest of residential amenity.

Pre – construction conditions

22 Prior to the construction of any dwellings a scheme for the installation of bat boxes to south-eastern and south-western elevations shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall then be installed as approved prior to the first occupation of any of the dwelling units. Reason: In the interest of ecological enhancement.

General conditions

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

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

24 Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made at manhole reference number ST33916402 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.

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

25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order), Schedule 2, Part 2, Class A, no wall, fence, gate, hedge or other means of enclosure shall be erected or planted without the prior written permission of the Local Planning Authority.

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

26 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order), Schedule 2, Part 1, no development within Classes A, B, C, D, or E shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To ensure that a satisfactory form of development takes place and to protect the amenities of occupiers of adjoining properties.

27 The number of dwelling units erected shall not exceed a total of 16.

Reason: In the interest of residential and visual amenity.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Design and Access Statement, Topographical Survey, Indicative Streetscene, P15-484 Night Time Noise Measurements, P15-484 Daytime Noise Measurements, Photograph showing visibility looking left and right at Forge Close, Zeb926 P0001 Rev F Proposed Site Plan, Zeb926 P0004 Indicative Site Section, Location Plan (Sep 2017), 22 Aug 17 email to Carl Jones re visibility splays, noise Assessment (August 2017), 18 Jul 17 email from Sam Jones of RCA confirming 100% affordable housing, 30-Jul-17 Technical Note to Carl Jones re highways comments, Technical Note re Air Quality, Bat Survey October 2016, Ecological Survey October 2016, Tree Assessment, Arboricultural Report, Air Quality Assessment, Phase 2 Ground Investigation, Preliminary ecological appraisal April 2016,

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP10, GP2, GP4, GP5, GP6, GP7, H2, H3, H4, H5, H6 and EM3 were relevant to the determination of this application.

03 The Supplementary Planning Guidance documents for: Parking Standards (Adopted August 2015), New Dwellings (Adopted August 2015), Wildlife and Development (Adopted August 2015) and Trees, Woodland, Hedgerows and Development Sites (Adopted August 2015).

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

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

06 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

APPLICATION DETAILS

No: 16/0786 Ward: **CAERLEON**

Type: Outline

Expiry Date: 10-NOV-2017

Applicant: **PONTHIR ROAD SUZUKI**

Site: **Land and buildings north east of 71 Forge Close, Caerleon**

Proposal: **RESIDENTIAL DEVELOPMENT COMPRISING MAXIMUM OF 16NO. DWELLINGS (OUTLINE)**

1. LATE REPRESENTATIONS

- 1.1 Further correspondence has been received from Councillor Jason Hughes. Councillor Hughes appreciates that representations were made in the period prior to being elected but he supports his colleagues in their objections to the application specifically on the grounds that the air quality levels in Caerleon are totally unacceptable in the area and he has no doubts on a personal level that any proposed developments in the vicinity will only add to what is already a serious air quality problem.
- 1.2 Councillor Hughes adds that the proposed development will also add to the pressures on local services which are already struggling especially in relation to health and education.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

- 2.1 Councillor Hughes re-iteration of objections raised by his colleagues is noted. Matters of air quality and impacts upon local infrastructure have been considered and evaluated in the officer assessment and as no new matters are raised by Councillor Hughes, no further comments are required.

3. OFFICER RECOMMENDATION

- 3.1 GRANTED WITH CONDITIONS

APPLICATION DETAILS

No: 17/0815 **Ward:** MALPAS

Type: FULL

Expiry Date: 02-NOV-2017

Applicant: D PRICE

Site: MALPAS COURT, OLIPHANT CIRCLE, NEWPORT, NP20 6AD

Proposal: RETENTION OF MARQUEE

Recommendation: Granted with Conditions

1. INTRODUCTION

- 1.1 This application seeks consent for the retention of a marquee in the grounds of Malpas Court.
- 1.2 The marquee is located to the rear of the building. It measures 120m in length, 60m in width and 7m in height. The marquee is constructed from a metal frame and white canvas outer.
- 1.3 Malpas Court is a Council owned Listed Building with a mixed office/training centre and community use.

2. RELEVANT SITE HISTORY

05/0923	CHANGE OF USE TO OFFICES, CAFE ON GROUND FLOOR AND TRAINING FACILITIES (CATERING AND HORTICULTURE) TOGETHER WITH REINSTATEMENT OF LOST FEATURES ON TWO STOREY LISTED BUILDING AND EXTENSION OF REDUNDANT STORAGE BUILDING TO ANCILLARY ACCOMMODATION	Granted with Conditions
05/1123	LISTED BUILDING CONSENT FOR CHANGE OF USE TO OFFICES, CAFE ON GROUND FLOOR AND TRAINING FACILITIES (CATERING AND HORTICULTURE) TOGETHER WITH REINSTATEMENT OF LOST FEATURES ON TWO STOREY LISTED BUILDING AND EXTENSION OF REDUNDANT STORAGE BUILDING TO ANCILLARY ACCOMMODATION	Granted with Conditions
07/0609	LISTED BUILDING CONSENT FOR INTRODUCTION OF GREEN ROOF OVER EXISTING STRUCTURE, ROOFLIGHTS AND BOILER FLUE ON THE ROOF, FACING OF EXTERNAL WALLS WITH RENDER AND DOUGLAS FIR BOARDING, NEW DOORWAYS, NEW WINDOWS INCLUDING STEEL SECURITY GRILLES, AND ALTERATIONS TO INTERNAL PARTITION WALLS	Granted with Conditions
12/0667	VARIATION OF CONDITION 11 (OPERATING HOURS) RELATING TO PLANNING PERMISSION 05/0923 FOR THE CHANGE OF USE TO OFFICES, CAFE ON GROUND FLOOR, TRAINING FACILITIES (CATERING AND HORTICULTURE)	Granted with Conditions

3. POLICY CONTEXT

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

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.

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 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.

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

3.2 *Parking Standards SPG*

The Parking Standards SPG sets out details of parking requirements the Council will seek for all types of developments.

4. CONSULTATIONS

4.1 NEWPORT ACCESS GROUP: No response.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): Parking should be provided in accordance with the Newport City Council parking standards. An assembly hall requires 1 space per 8sqm plus a commercial vehicle space. Further information is required in terms of the parking generation and how it will be accommodated within the site.

5.2 HEAD OF LAW AND REGULATION (NOISE): I understand that the marquee will not be used to host music entertainment and my comments are made on this basis. I suggest that the applicant is requested to provide confirmation of this for the planning file. I confirm I have no objection to the proposals. I recommend the use of the marquee is restricted to between 8am to 9pm Mondays to Sundays in order to minimise the potential for noise disturbance to be caused to the occupiers of premises in the area.

5.3 HISTORIC BUILDINGS CONSERVATION OFFICER: Would not support the retention of the marquee on a permanent basis. However, if retention were to be sought for a specific period that was clearly justified in order to sustain the future of the historic asset and/or provide clear benefits to the local community, I would not necessarily have any objection.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (19no properties), a site notice displayed and a press notice published in South Wales Argus. No responses have been received.

7. ASSESSMENT

- 7.1 The main considerations of this application is the impact of the marquee on the Listed building, impact on the visual amenity of the area and whether it is considered to result in an adverse amenity or highway impact.

7.2 *Impact on the Listed Building*

Malpas Court is an attractive Grade II listed mansion. As noted above, the marquee is located to the rear of the building in the grounds of the listed building approximately 11m from the rear elevation of the building. In response to the proposals the Council's Conservation officer advises that:

Planning Policy Wales is clear that "for any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses." TAN 24 states that "It is for the applicant to provide the local planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks and gardens, World Heritage Sites, or other sites of national importance and their settings."

Cadw's guidance document, Setting of Historic Assets in Wales states that "Applications for planning permission should provide the local planning authority with sufficient, but proportionate, information to allow the assessment of the likely impact of proposals for development on a historic asset and its setting" and goes on to state that "For the purpose of planning applications — especially complex cases — the definition, analysis and assessment of the setting of a historic asset should be carried out by a qualified and competent expert."

Unfortunately, the applicant has not provided any analysis of the impact of the marquee on the setting of the listed building. Nevertheless, it is clear that though the grounds of this early 19th century former country house were extensively developed in the 20th century for new housing, the restoration of the house and surroundings within the last decade has retained something of the character of its immediate garden setting. The marquee is situated in close proximity to one of the principal garden elevations of the house where it compromises views to and from the building. Whilst having a relatively lightweight and temporary appearance, it is a rather stark, white structure which would not normally be found as a permanent feature within the grounds of a country house. It seems likely that its appearance would deteriorate over time.

The temporary erection of marquees within the grounds of listed buildings for functions is generally accepted as an appropriate means of securing income to sustain these historic assets whilst enabling their use and appreciation by the community. However, they would normally be dismantled after an event to ensure that any impact is only temporary. In this case, though not explicitly stated, I can only assume that the intention is to retain the marquee on a permanent basis. No explanation or justification for this approach has been provided and, in light of this, I am unable to support this application. However, if retention were to be sought for a specific period that was clearly justified in order to sustain the future of the historic asset and/or provide clear benefits to the local community, I would not necessarily have any objection.

- 7.3 The Conservation officer's comments are duly noted. Due to the temporary nature of the structure it is recommended that if planning permission is forthcoming, it should be for a temporary period. The applicant would have the ability to apply to extend the permission at the end of the period and if a permanent consent was sought such an application would need to be supported with additional information relating to the need for the marquee, at which point the

Local Planning Authority could re-assess its acceptability. Subject to planning permission being for a temporary period, it is not considered that there would be a long-term detrimental impact to the setting of the listed building, or to the visual amenity of the area. It is also noted that the marquee facilitates the hosting of wedding events on site which is a revenue earner for the facility.

7.4 Visual impact

Malpas Court adds to the visual amenity of the area which is predominantly residential and characterised by post-war social housing. The considerations as to the acceptability of the marquee in terms of the visual amenity of the area are similar to the considerations of the listed building impact and it is considered that whilst the marquee is temporary in its nature and appearance, it is not unusual to see such structures in the grounds of listed buildings and subject to a condition restricting the marquee to a temporary period, it would not result in a detrimental impact to the visual amenity of the area.

7.5 Amenity

Malpas Court has an existing mixed office and community use and as such neighbours will be used to an associated degree of noise and disturbance as a result of functions being held at the premises. The marquee is located approximately 60m away from the nearest residential properties. Given the nature of the structure it could potentially result in a detrimental impact to neighbouring amenity if amplified music were to be played inside and the Head of Law and Regulation (Environment & Health) has requested that a condition be imposed prohibiting the marquee from hosting music entertainment. However, it is not unusual for music to be played at the type of events that the marquee holds and at a suitable noise level this would not be detrimental to neighbouring amenity and it is considered that such a condition would be unduly onerous. The application is retrospective and has been used for functions over the summer. Notably, no objections have been received from neighbours. In any event, this is a Council owned asset and the Council has land owner control over the operation of the facility and the ability to regulate its on-going use.

7.6 Highways

There are 23 parking spaces at the site plus 3 disabled spaces and 1 commercial parking space. There are also 16 public car parking spaces directly to the front of the site.

7.7 The Head of Streetscene and City Services (Highways) has responded to the application stating parking provision should be provided in accordance with the Newport City Council parking standards and further information is required in terms of the parking generation and how it will be accommodated within the site.

7.8 The parking requirement for the marquee is 1 space per 8sqm plus a commercial vehicle space. The marquee is 72m² so it requires 9no parking spaces plus a commercial vehicle parking space. As noted above, there are 23 parking spaces at the site plus 3 disabled spaces and 1 commercial parking space. Deducting the demand created by the marquee equates to 14no parking spaces remaining for the existing building.

7.9 Due to the mixed office and community use of the Malpas Court building it does not fit neatly with the Council's Parking Standards in attempting to establish the associated parking demand. However, as noted above when taking account of existing parking provision and the parking demand created by the marquee, 14no parking spaces are available.

7.10 Notwithstanding the above, the applicant has provided details of functions that have been held at the site since April this year. There have been 35 events including baby showers, engagement parties, weddings, christenings, wakes, afternoon teas and a prom. With the exception of a couple of the events, the majority have occurred on weekends or bank holidays when the offices

in the building are not being used and so the parking demand is reduced. Whilst it is possible that functions could be held during the week, given the nature of the events and social functions, they are more likely to take place on weekends. Furthermore, as noted above, 19no residents were directly consulted with regard to the application, a site notice was displayed and a press notice published. No responses have been received in response to the consultations. The Ward Councillors have also confirmed that they have not received any communication from neighbours raising concerns about parking.

- 7.11 Whilst the precise parking demand created by the use of the existing building has not been established, there is a good level of dedicated parking provision at the site and taking account of the demand created by the marquee, 14no parking spaces remain for the existing building. Furthermore, given that this application is retrospective and the marquee has already been used to hold events, the lack of neighbour objections is notable and on balance it is not considered that the marquee results in a demonstrable adverse highways impact. The use of the marquee is likely to be associated with the use of the main building and linked use of facilities thereby reduces the actual parking demand.

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 It is not considered that the marquee results in a detrimental highways impact or an adverse impact to neighbouring amenity. Subject to any planning permission being for a temporary period it is not considered that the marquee would result in a detrimental impact to the visual amenity of the area or to the setting of the listed building.

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

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: PL02, PL03.

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

General conditions

02 The use of the marquee hereby approved is restricted to between the hours of 8am to 9pm Mondays to Sundays.

Reason: In the interests of neighbouring amenity.

03 This permission shall be for a limited period expiring on 1st November 2019 when the marquee hereby approved shall be removed from the site in its entirety and the land shall be restored to its former condition.

Reason: In the interests of the Listed Building due to the temporary nature of the structure and in the interests of the visual amenity of the area.

NOTE TO APPLICANT

01 This decision relates to plan Nos: PL01.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP12, GP2, GP4, CE5 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 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: 17/0843 **Ward:** *ALWAY*

Type: *FULL*

Expiry Date: *07-NOV-2017*

Applicant: *V RUDRAN, UNIVERSAL PENTECOSTAL CHURCH*

Site: *348, CHEPSTOW ROAD, NEWPORT, NP19 8NQ*

Proposal: *CHANGE OF USE FROM TAI CHI CENTRE TO PLACE OF WORSHIP AND RETENTION OF EXISTING FLAT*

Recommendation: *GRANTED WITH CONDITIONS*

1. INTRODUCTION

- 1.1 This application seeks planning permission for the change of use from a Tai Chi Centre to a place of worship at 348 Chepstow Road, located within the Always ward of Newport. The proposed place of worship would be operated by the Universal Pentecostal Church, a worldwide organisation, having seven branches within the UK. The property is a detached building located on a corner plot between Chepstow Road and Windsor Road. The application site is located adjacent to the Beechwood District Centre and within the urban boundary, as defined by the Newport Local Development Plan 2011-2026 (adopted January 2015).
- 1.2 The building currently has planning permission for use as a Tai Chi Centre, under planning permission 00/0536. The planning permission has been conditioned to remain personal to the 'Taoist Tai Chi Society of Great Britain' and has been further conditioned to restrict the use of the building to Tai Chi use only. Therefore, the building cannot be currently used for any other purposes (including any other purpose in the D2 use) without prior approval being sought from the Local Planning Authority.
- 1.3 The key issues are how this development would impact parking demand, residential amenity and highway safety.

2. RELEVANT SITE HISTORY

[11/1236](#) VARIATION OF CONDITION 03 (OPENING HOURS) ATTACHED TO PLANNING PERMISSION 06/0984 TO INCREASE OPENING HOURS FROM 08.00 -21.30 SUNDAY - THURSDAY (INCLUSIVE) AND 08.00 - 22.30 FRIDAY AND SATURDAY TO 08.00 - 22.00 MONDAY, WEDNESDAY, THURSDAY AND SUNDAY AND 08.00 - 22.30 TUESDAY, FRIDAY AND SATURDAY- **GRANTED WITH CONDITIONS**

04/1895 CREATION OF SELF CONTAINED RESIDENTIAL FLAT ON TOP FLOOR, ERECTION OF ROOF EXTENSION TO ACCOMMODATE LIFT SHAFT, ERECTION OF FIRE ESCAPE ENCLOSURE ON TOP OF EXISTING FLAT ROOF AND ENCLOSURE OF REMAINDER OF FLAT ROOF WITH BRICK PLANTERS, RENDERING OF BUILDING AND REPLACEMENT SURFACING TO FORECOURT- **GRANTED WITH CONDITIONS**

00/0536 CHANGE OF USE TO CENTRE FOR THE PRACTICE OF TAI CHI- **GRANTED WITH CONDITIONS**

3. POLICY CONTEXT

- 3.1 The following General Policies of the Newport Local Development Plan 2011-2026 (adopted January 2015) would be relevant to the determination of such an application.

- GP2 General Amenity
 - GP6 Quality of Design
 - SP12 Community Facilities
 - T4 Parking
- 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 effect, 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.
- 3.4 Policy SP12 – Community Facilities states that new community facilities in sustainable locations will be encouraged and where development affects existing community facilities, they should be designed to retain or enhance them. The policy states that the developments which will be encouraged are places of worship, church halls, community centres, education and training centres. Community facilities need to be developed on land which is easily accessible by a choice of transport modes for the users of the facility. This site is accessible by local bus routes, which operate along Chepstow Road connecting to the City Centre and Newport train station. The applicant has confirmed that the site is within a walking distance for 50% of the church members. Chepstow Road is defined by the Newport Local Development Plan (adopted 2015) as being within the urban boundary and therefore the site meets the requirements of Policy SP12 in terms of the positioning of community facilities, which should be located within either urban or village settlements. In relation to the design of the scheme, there are no proposed external alterations currently proposed and therefore there are no considerations to take into account in this regard.
- 3.5 Policy T4 Parking states that development will be expected to provide appropriate levels of parking. In this instance, the parking demand for a place of worship would be calculated based on the proposed number of seats contained within the building. The SPG states that developments should not have a detrimental impact on highway safety or increase on-street parking demands within the immediate area.

4. CONSULTATIONS

- 4.1 None.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF REGENERATION AND REGULATORY SERVICES (PUBLIC PROTECTION MANAGER): No objection based on the attachment of two planning conditions relating to noise and insulation works to the building.
- 5.2 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS OFFICER): Based upon the information submitted it would appear that the proposal would increase the parking generation which would increase demand for on street parking in an area where availability appears to be limited and incidents of illegal/obstructive parking are taking place. I must therefore object to the application.
- 5.3 HEAD OF REGENERATION AND REGULATORY SERVICES (PLANNING CONTRIBUTIONS MANAGER): The proposal represents a nil net gain. As such, no planning obligations are requested

6. REPRESENTATIONS

6.1 **NEIGHBOURS:** All properties within 50m with a common boundary with the application site were consulted (85 properties), and a site notice displayed at the property for 21 days. Eleven written responses were received, all objecting to the proposed scheme. The following comments were received:

- Parking demand will be increased, especially at weekends and evenings due to the proposed opening times of the place of worship.
- Will cause additional safety and congestion concerns with Chepstow Road and the surrounding side roads.
- No community benefit of a place of worship, existing sites in close proximity to the application site and surrounding empty churches not being used.
- Parking demand is already at a premium due to local residents not having off-street parking and surrounding facilities such as 'Dominos' and the 'One Stop Shop' generating a high on-street parking demand.
- The facility would be a noise nuisance to local residents.
- The use of the facility could promote anti-social behaviour within the surrounding area.
- The proposed parking layout does not show enough parking spaces for the proposed use.
- The existing access is not suitable and the place of worship would add to the lack of visibility from the highway of Chepstow Road.
- Invasion of privacy with increased number of people using the site will increase the amount of overlooking towards surrounding residential properties.

Further to the eleven written responses obtained, a petition was submitted to the Local Planning Authority highlighting concern relating to: parking for residents, speed and volume of traffic being increased within the area, access to the Tai Chi Centre being of poor visibility and the proposed place of worship being of no local benefit to the community. 287 signatures were included in the submitted petition.

6.2 **COUNCILLORS:** GUY, TRUMAN AND HARVEY were consulted and Councillors Harvey and Truman raised concerns in regards to the parking provision available at the site and how the proposed change of use to a place of worship would have a detrimental impact on on-street parking within the surrounding area, resulting in a negative impact on residential amenity. Therefore, if the scheme was to be looked upon favourably, both Councillors Truman and Harvey requested for the planning application to be determined at Planning Committee.

7. ASSESSMENT

7.1 The proposed place of worship would be used for meetings on the following days and times: between 10am and 1pm on Sundays for Sunday school activities and worship service. On Saturdays, between 7pm and 9pm for prayer meetings. Wednesdays between 10:30am and 12:30 pm for prayer meeting and again in the evening, between 7.30pm and 9.30pm for bible study. The applicant has stated that the largest number of attendees at any one time would be 80 and this would be within the Sunday Service. The remaining services are anticipated to attract the following number of attendees: Wednesday AM: 20 people in total; with 15 people attending on foot and 5 by car Wednesday PM: 40 people in total, 25 by foot, 15 by car, Saturday, 45 people in total, 25 by foot, 20 by car.

7.2 In terms of accessibility, the building has a private car park which is accessed off Chepstow Road. The proposed use would generate a parking demand of 23 spaces in accordance with Newport City Council's Parking Standards (adopted 2015). This figure has been calculated based on the number of seats that the place of worship would contain. In this instance, it would be 234 seats, with a parking demand of one space per 10 seats. This figure is not based on the projected maximum number of attendees which in this instance is proposed to be 80.

7.3 In response to this requirement and as requested by the Head of Streetscene and City Services (Highways Officer) the applicant has submitted a parking plan showing 20 parking spaces within

the site. Nevertheless, this is an amended plan and the original application states a parking provision of 13 spaces can be accommodated within the curtilage of the premises. The Head of Streetscene and City Services (Highways Officer) was re-consulted on this layout and has confirmed that the proposed parking provision of 20 spaces would rely on tandem parking within the site which would require on-site management to coordinate the parking efficiently. Furthermore, people would not be able to leave independently from the venue.

- 7.4 In regards to the existing use of the building as a Tai Chi centre, under planning reference: 00/0536, the scheme originally proposed the provision of 15 parking spaces within the site. This figure was assessed by the Head of Streetscene and City Services (Highways Officer) at the time and this figure was considered to be too ambitious and it was considered that 13 car parking spaces was more realistic and achievable. However, half of the demonstrated spaces would be restricted by tandem parking within the site. The Head of Streetscene and City Services (Highways Officer) has commented on the existing use as a Tai Chi centre and has specified that based on the number of attendees being between 25 and 40, this level of usage would generate a parking demand of 1 space per 2 facility users; resulting in a parking demand of between 13-20; dependent on class size.
- 7.5 As shown within the submitted parking plan and further Highways Officer comments, the application site cannot meet Newport City Council's Parking Standards (adopted 2015) as the proposed scheme requires 23 parking spaces to be provided. However, in accordance with the SPG, the required number of spaces could be reduced through undertaking a sustainability test. The SPG states that the parking demand for developments within sustainable locations can be reduced if specific criterion can be met. In order to reduce the parking demand by 30% the application site would need to achieve 10 sustainability points. In this instance, the site is located 240 metres from a school and therefore achieves 2 points for being within 400 metres of the facility. The application site is 64 metres from a shop/post office and therefore achieves 3 points for being located within 200 metres of this type of facility. 348 Chepstow Road is located adjacent to the Beechwood District Centre (8 metres) and is considered a sustainable location in which the site achieves double points; giving the site an additional 5 points based on achieving an existing 5 points. Furthermore, the site can be accessed via 9 different bus routes and has access to a bus route within 300 metres, providing an additional 3 points in accordance with the criteria. Additionally, the frequency of the buses within this area would be at least every 10 minutes and therefore the application site achieves a further 2 points. The proposed scheme achieves in excess of 10 points and the parking demand can be reduced by 30%. The parking demand can now be considered to be 16 parking spaces as opposed to the original 23. On further liaison with the Highways Officer, although a sustainability test can be applied at the application site in relation to the proposed development and the reduction in parking demand can be made, the sustainability test also needs to be applied to the existing use as well.
- 7.6 In relation to the existing Tai Chi use, as part of the original application it was considered reasonable that the provision of 13 off-street parking spaces would be acceptable in this location. In this instance, with the application of the SPG's sustainability test, the 13-20 spaces considered acceptable at the time, could be reduced to become 9-14 parking spaces. Therefore, the difference in the parking demand based upon the SPG is 7 spaces, based on the proposed place of worship requiring 16 spaces and the Tai Chi centre requiring between 13 and 20. Nevertheless, on assessment of the proposed use of the building as a place of worship, the site would only be used four times a week, with specific start and end times of each service, indicating that parking in tandem in connection with the meetings would be achievable in this scenario, albeit not ideal. Furthermore, the existing Tai Chi centre is currently used for an extended amount of time in comparison to the proposal, as an application was granted under reference number: [11/1236](#) for the variation of condition 03 (opening hours) to increase opening hours from 08.00-21.30 Sunday - Thursday (inclusive) and 08.00-22.30 Friday and Saturday to 08.00-22.00 Monday, Wednesday, Thursday and Sunday and 08.00 - 22.30 Tuesday, Friday and Saturday. Therefore, it is considered that the proposed place of worship, although in theory would generate a higher parking demand than the most recent and use, the actual number of attendees, combined with being in a sustainable location (encouraging people to access the

facility by foot or via public transport) should be given substantial weight. There are also a limited number of proposed sessions, which could be further controlled by planning conditions, restricting the days and times of the operation.

- 7.7 The building is a large, detached premise in a prominent location and is currently heavily restricted by planning conditions in regards to who can operate the site and the specific use. It is now vacant and recent visits have confirmed that the site is secured and the on site parking area is becoming overgrown. A planning application for a proposed change of use in any instance would be required to bring the building back into use. As part of assessing the acceptability of the place of worship, alternative uses of the building have been considered as it is considered to be in the community's interest and in accordance with planning policy to encourage the re-use of the building in some form. Its re use will likely generate parking demand. Practically, the building could be suitable for office development for example and the parking demand for this Zone 3 site has been calculated based on the total footprint of the site. For office development, the site would need to deliver at least 14 off-street parking spaces. Although this is lower than the required 16 for the place of worship, office development would potentially generate more comings and goings through the day and early evening with the likelihood of people choosing to drive, as opposed to community based use such as a place of worship, and limiting the potential acceptability of tandem parking in practice. Similar constraints would apply to other uses such as residential or other leisure type uses.
- 7.8 In terms of impacts on the surrounding residential amenity, there is potential for disturbance to occur from noise generating activities within the site and from the comings and goings of those involved in the use. However, the building was, until quite recently, used in the evenings and at weekends as well as throughout the day for Tai Chi classes, but this type of use is inherently quiet and unlikely to give rise to noise from the activity itself. Nevertheless, there is a presumption in favour of the proposed use in Policy SP12 and it is assumed that the activities of the church will be similarly quiet most of the time with no unusual or particularly adverse noise implications. Furthermore, the hours of use requested are comparable with the frequency and timings of the previous use. The development would have the potential to enhance the community surrounding Chepstow Road by ensuring community facilities remain in this location and encouraging use of the building. The current use is restricted to Tai Chi specifically; having regard to the proximity of the site to sensitive receptors it is considered necessary that any consent issued for a place of worship would be restricted to remove rights to alter the use to potentially less neighbourly operations, particularly having regard to the scale of the building and its limited opportunities to provide on site amenity and parking space for example. In terms of residential amenity and with such restrictions, the development would not have a detrimental impact and would be in accordance with Policy GP2 (General Amenity) and SP12 of the Newport Local Development Plan (Adopted 2015).
- 7.9 The application also seeks the retention of a flat which would be used in connection with the place of worship. The Head of Regeneration and Regulatory Services (Planning Contributions Manager) was consulted on this application and has confirmed that due to no additional residential space being created as part of this planning application there is no financial contribution required. The flat is a three bedroomed dwellinghouse split over two levels, which in this instance is proposed to be used in connection with the place of worship and to be used by the Ministers of the church. Therefore, it is considered that the use of the flat is ancillary to the place of worship. There are no anticipated noise concerns between the two uses as the residents of the flat will be partaking in the activities of the church and therefore there are no anticipated noise nuisances likely to occur. The Head of Regeneration and Regulatory Services (Public Protection Manager) has been consulted and has recommended the attachment of two planning conditions to any planning permission, but considering the use of the flat is currently used independently to the Tai Chi centre, this application to combine the building and the flat to one personal application would decrease the likely chances of a noise nuisance occurring.

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 change of use from a Tai Chi centre to a place of worship, by reasons of its scale and location would not have a detrimental impact on the character of the property or the surrounding area subject to suitable planning conditions being imposed. The surrounding area is a mixed area with many commercial and retail units attracting a high number of users in addition to a large number of residential properties. The proposed change would not be out of character for the area and the use of the building as a community type use is commensurate with the mixed use of the area and the former Tai Chi use. The shortfall in parking provision has been considered and some increase in on street demand during church meeting times is likely to occur. However, these peak periods will be of limited duration and the re-use of this building as a community facility is welcomed in principle or the building is at risk of falling into disrepair or be subject to proposals for other car generating uses. As a result it is recommended that planning permission is granted, subject to conditions that seek to tightly control the operation in the longer term having regard to the site's proximity to residential occupiers and existing parking constraints..

10. **RECOMMENDATION**

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Existing Ground Floor Plan, Drawing No. PO1 (Received 10 October 2017), Existing First Floor and Basement Plan, Drawing No. PO2 (Received 4 September 2017), Existing Upper Mezzanine and First Floor Plans, Drawing No. PO3, (Received 4 September 2017).

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

Pre –occupation conditions

02 Prior to the first beneficial use of the premises, a scheme of sound insulation works between the proposed place of worship and the upper floor flat shall be implemented in accordance with details that have been submitted to and approved in writing to the local planning authority. The approved scheme shall be retained thereafter for the life of the approved development.

Reason: In the interests of the amenities of occupiers of the residential property located above the place of worship.

03 Prior to the first beneficial use of the premises, a scheme shall be submitted to and approved in writing that specifies the provisions that will be implemented for the control of noise emanating from the site. The noise mitigation scheme shall be maintained for the life of the approved development and shall not be altered without the prior written approval of the local planning authority.

Reason: In the interests of the amenities of occupiers of the residential property located above the place of worship

04 Prior to the first beneficial use of the Place of Worship hereby approved the on-site car parking spaces are to be provided in their entirety and fully demarcated in accordance with drawing: *Existing Ground Floor Plan, Drawing No. P-01*. The approved spaces shall be retained thereafter and shall not be used for any purpose other than the parking of vehicles in connection with the Place of Worship.

Reason: In the interests of highways safety and to secure the provision of sufficient off-street car parking.

05 Prior to the first use of the building, details of a physical means for the prevention of traffic flows out of the site onto Chepstow Road (which shall include the design and siting of appropriate barriers) shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved scheme.

Reason: To prevent vehicles leaving the site onto Chepstow Road, in the interest of highway safety.

06 Prior to the first use of the building, the approved access onto Windsor Road shall be provided and shall include a physical means for the prevention of traffic flows into the site from Windsor Road, details of which shall be submitted to and approved in writing by the Local Planning Authority. The access shall be retained in this state in perpetuity.

Reason: To prevent vehicles entering the site from Windsor Road in the interest of highway safety.

General Conditions

07 The hours of operation shall be restricted to Wednesdays between 10:00 – 13:00 and 19:00-22:00, Saturdays between 19:00-22:00 and 09:30-13:30 Sundays. Outside of these hours the place of worship shall be vacated and closed to the public.

Reason: In the interests of the amenities of occupiers of neighbouring properties.

08 The permission hereby granted shall be personal to Universal Pentecostal Church only and shall not for the benefit of the land, or any other person or company without the prior written permission of the Local Planning Authority.

Reason: Permission has been granted having regard to the particulars of the operations undertaken by the applicant and which are personal to them.

09 The residential flat hereby approved shall only be occupied for purposes ancillary to the use of the building by the Universal Pentecostal Church and shall not, at any time, be occupied as an independent residential unit.

Reason: The flat is ancillary accommodation that has not been assessed as an independent dwelling which would give rise to further policy considerations that have not been considered as part of this application.

10 The premises shall be used for a Place of Worship and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: To prevent increased demand for on street parking in the interest of highway safety and residential amenity and to safeguard against noise disturbance to adjoining residents.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Existing Ground Floor Plan, Drawing No. PO1 (Received 10 October 2017), Existing First Floor and Basement fPlan, Drawing No. PO2 (Received 4 September 2017), Existing Upper Mezzanine and First Floor Plans, Drawing No. PO3, (Received 4 September 2017).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP6, SP12 and T4 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: 17/0913 **Ward:** *PILLGWENLLY*

Type: FULL

Expiry Date: 15-NOV-2017

Applicant: *SAM HILL, NEWPORT NORSE*

Site: *SPRING GARDENS CARE CENTRE, BELLE VUE TERRACE, NEWPORT, NP20 2LB*

Proposal: *REPLACE EXISTING FENCE ON THE WESTERN SIDE OF THE BUILDING WITH A 1.8M HIGH FENCE AND GATE.*

Recommendation: *GRANTED WITH CONDITIONS*

1. INTRODUCTION

- 1.1 This application seeks planning permission for a replacement fence at Spring Gardens Care Centre, Belle Vue Terrace, Newport. The proposed boundary treatment is a modernised replacement of a similar boundary treatment on site, although of a different design and marginally taller.
- 1.2 This application is brought before Planning Committee as it relates to a Council owned property.

2. RELEVANT SITE HISTORY

90/0968	ERECTION OF A RESIDENTIAL CARE HOME FOR 34 RESIDENTS, DAY CARE CENTRE FOR 40 CLIENTS WITH ADMIN FACILITIES, PARKING AND ASSOCIATED WORKS	No objection.
17/0364	REPLACEMENT BOUNDARY TREATMENT FRONTING ARTHUR STREET	Granted with Conditions

3. POLICY CONTEXT

- 3.1 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 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 No external consultation was undertaken.

5. INTERNAL COUNCIL ADVICE

- 5.1 No internal Council advice was sought.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties with a common boundary with the application site were consulted (2No properties). No representations were received.

7. ASSESSMENT

- 7.1 The fence in question is located within the grounds of the site, rather than running along one of its frontages with either Mendalgief Road or Arthur Street. It is to the west of the building, between its front/side corner and the boundary with Mendalgief Road, perpendicular with the Mendalgief Road boundary fence.
- 7.2 The replacement fence would be 11m in length and include an access gate at its eastern end. The fence would consist of 1.8m high railings, finished in black. The height would increase in parts compared with the height of the existing fence, providing a uniform height across its length. These works are in addition to other fence replacement works recently granted permission under application 17/0364.
- 7.3 Given the minor scale of the fence and its distance from neighbouring properties, it is not considered that it would have a detrimental impact on local residential amenity. Although the loss of traditional detailing is unfortunate, the property is not a Listed Building or within a Conservation Area. As such, and given the high quality materials proposed, it is concluded that the proposed design and materials are acceptable in this instance. The fence would be seen in the context of the building and the Mendalgief Road boundary fence. It is considered that its height and design is appropriate in this context and that it would acceptably integrate in to the street scene. The fence is not adjacent to a vehicular access, so raises no highway safety concerns.

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 Having regard to the aforementioned policies of the Newport Local Development Plan 2011-2026 (Adopted January 2015), officers conclude that the design and impact of the proposed replacement fence would be acceptable and would not have any significant adverse impact on residential amenity or highway/pedestrian safety. It is therefore recommended that planning permission is granted with conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents; NPS-00-00-DR-B-(00)-000 P1 Gate Details and NPS-00-00-DR-B-(00)-000 P1 Site Plan.

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

NOTE TO APPLICANT

01 This decision also relates to plan Nos: Site Location Plan.

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

03 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.

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