

Agenda



Planning Committee

Date: Wednesday, 10 January 2018

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.

Item

Wards Affected

1. Agenda Page - Welsh Cym (Pages 3 - 4)
2. Apologies for Absence
3. Declarations of Interest
4. Minutes of the meeting held on 6 December 2017 (Pages 5 - 8)
5. Development Management: Planning Application Schedule (Pages 9 - 54)
6. Appeal Decisions (Pages 55 - 60)

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

Contact: Michele Chesterman, Democratic Services Officer
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Date of Issue: Wednesday, 3 January 2018

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Agenda

Pwyllgor Cynllunio



Dyddiad: Dydd Mercher, 6 Ionawr, 2018

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

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|----|-----------------------------------------------------|----------|
| 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 |
| 6. | <u>Penderfyniadau Apeliadau</u> | |

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Minutes



Planning Committee

Date: 6 December 2017

Time: 10.00 am

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

In Attendance: T Brooks (Development & Regeneration Manager), S Williams (West Area Development Manager), (J Davidson (East Area Development Manager), E Jones (Principal Planning Officer), J Evans (Senior Solicitor), C Jones (Principal Highway Engineer), A Jenkins (Democratic Services Officer)

1. **Apologies for Absence**

2. **Declarations of Interest**

None received.

3. **Minutes of the meeting held on 1 November 2017**

The minutes of the meeting held on 1 November 2017 were submitted.

Resolved

That the Minutes of the meeting held on 1 November 2017 be taken as read and confirmed.

4. **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.

5. **Tree Preservation Order (TPO) 4/2017 - Rear of Cae Brynton**

Consideration was given to a report proposing the confirmation of a provisional TPO. The Tree Officer reported that the objection was insufficient reason for the council to omit the tree from the Order.

The Tulip tree originated from North America and was quite rare in Newport. The owner of the tree fully supported the order however, two objections had been received and detailed within the report were from neighbours due to size of the tree and overhanging branches. The tree appears to be a large and healthy specimen and the largest in Newport, there was

no sign that the tree was a danger to the public. The owners were fully aware of the health & safety of the tree.

Some concern that the branches overhanging were a problem for pedestrians but the branches were cut back and this was no longer an issue. Leaves falling in the Autumn was also raised as an issue, but this was a natural process which Newport City Council dealt with in and around the city.

Councillor Al-Nuaimi moved to support the TPO. Councillor Ferris agreed that the tree was rare and was a particularly beautiful specimen. Councillor Forsey asked about branches overhanging the neighbours drive. The Tree Officer felt there was not an issue with these branches.

Councillor Forsey asked could the neighbours trim back the branches, yes they could apply for the branches to be trimmed back. Councillor Forsey asked could the neighbours be advised that they could trim back the tree. It was advised by Development and Regeneration Manager that the TPO would mean the neighbouring residents would require permission to trim the tree. The Tree Officers had advised the neighbouring residents of this.

Resolved

The Committee unanimously decided to grant the Tree Preservation Order.

6. Appeal Decisions

Appeal Decisions

Consideration was given to a report following recent appeals:

Planning Application Appeals – Allowed

- 1 Application 17/0164, 2 Church Row, Redwick, Caldicot, NP26 3DE – Partial discharge of Condition 2 (Materials) of planning permission 16/0983 for the erection of a porch.
- 2 Application 17/0350, 2-4 Llanthewy Road, Newport, NP20 4JR – Installation of new shop front, replacement double doors in first floor front elevation and construction of ramp to rear (resubmission of refusal 16/1184).

Planning Application Appeals – Dismissed

- 1 Application 17/0178, 25 Stow Hill Circle, Newport, NP20 4HF - Variation of condition 02 (obscure glazing) of planning permission 04/0425 to allow for 50% of the glazing in the south west elevation to be clear glazed.

7. Update on Annual Performance Report 2016-2017

Members of the committee noted the document submitted to Welsh Government which was presented by the Development and Regeneration Manager. The Committee was impressed with the overall performance outlined within the report and congratulated the Planning Officers for their efficiency and hard work.

8. **Appendix 1 - Decision Schedule**

No	Site/Proposal	Ward	Additional Comments	Decision
17/0640	<p>Land and buildings to east of Quinn Radiators and Former LG Electronics, Celtic Way, Celtic Lakes, Newport.</p> <p>Construction of new junction, new carriageway, resurfacing and car park.</p>	Marshfield	<p>Councillor White Supported the application due to the present difficulties with parking issues, which would be resolved. Cllr White also requested double yellow lines along both sides of road to discourage parking and light spill measures to protect residents at night time.</p> <p>Councillor Al-Nuaimi supported double yellow lines request. In relation to Air Quality asked would there be a charging point for electric cars. There was no policy at the moment that insisted on charging points but once in place it would be enforced.</p>	Granted with conditions Cllr Linton Moved to support grant, Cllr White seconded. Unanimous.
17/0874	<p>Land encompassing Unit 106 Clearwater Road, Queensway Meadows Industrial Estate, Newport.</p> <p>Retention of mixed B1 (film studio) and D2 (leisure) use.</p>	Lliswerry		Granted with conditions Cllr Linton Moved and Cllr Guy Seconded. Unanimous.
17/1018	<p>Centrica Lodge, Gaer Road, Newport, NP20 3GX.</p> <p>Erection of 2No first floor side extensions, a ground floor lobby extension to include an internal lift, change of internal layout to include en-suite bathrooms to all bedrooms.</p>	Gaer		Granted with conditions Cllr White Moved and Cllr Richards Seconded. Unanimous.
17/0820	5 Beacons Close, Rogerstone, Newport, NP10	Rogerstone	Councillor Al-Nuaimi asked if Councillor C Evans gave a reason for	Refused Cllr Guy Proposed and

	<p>9AX.</p> <p>Variation of condition 02 (obscured glazing) of planning permission 02/0659 for erection of first floor rear extension.</p>		<p>bringing application to Planning Committee. S Williams would find out. Cllr Al-Nuaimi considered that it should have been delegated.</p> <p>Councillor Ferris asked for distance between two properties. Below 21m. Window was in place for 15 years but previous window obscured but new one clear, this was over last couple of months.</p>	<p>Cllr Richards seconded refusal. Unanimous.</p>
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Report

Planning Committee

Part 1

Date: 10 January 2018

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:1 **17/0894** **Ward:** **RINGLAND**

Type: **FULL (MAJOR)**

Expiry Date: **21-MAR-2018**

Applicant: **NEWPORT CITY HOMES**

Site: **LAND SOUTH OF AND ADJACENT TO, COT FARM WALK, NEWPORT**

Proposal: **DEMOLITION OF EXISTING RESIDENTIAL APARTMENT BLOCKS AND ERECTION OF 56NO. DWELLINGS IN 4NO. TWO TO FOUR STOREY BLOCKS AND TWO STOREY HOUSES WITH INTERNAL ROAD NETWORK, CAR PARKING AND ASSOCIATED WORKS**

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

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the demolition of an existing residential apartment block and the erection of 56 no. dwellings in apartment blocks and dwelling houses with an internal road network, car parking and associated works at this site east of Cot Farm Walk in Ringland and approximately 300m to the west of the Southern Distributor Road. The development is to comprise 100% affordable housing.
- 1.2 The Ringland area of Newport is a large residential estate built during the 1950s and 60s with local facilities including a library, health centre, public house, community hub and local schools. There are also a number of retail shops within walking distance at the Ringland Centre. Parts of the area, and near to the site, have been subject to regeneration in recent years and the intention is for this application to form the initial phase in the wider regeneration of the Ringland Centre area by Newport City Homes. No formal masterplan has however been approved, although consideration to the future intended development of the wider area has been considered in the submitted Design and Access Statement and has informed the design of this proposal.
- 1.3 The main parcel of the application site comprises open space which is currently vegetated with grassland and is designated environmental space within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). The existing open space is overlooked by residential properties although doesn't provide any formal amenities such as play areas or sport facilities. This area is bound to the north and south by two storey residential dwellings, to the west by formal playing fields and Ringland Centre, and to the east by the block of maisonettes for which permission is sought to demolish. Beyond the maisonettes, and forming part of the application site, is a further piece of open land adjacent to Hendre Farm Drive. In the south-east of the application site is a tarmacked parking court and an overgrown piece of unused land, overlooked by the residents of Cot Farm Circle. As the development is for 100% affordable housing, Policy H5 (Affordable Housing Exceptions) is considered to be of relevance in the consideration of this scheme. Policy H5 states that favourable consideration will be given to proposals for the provision of affordable housing on sites in or adjoining settlements that would not otherwise be released for development provided that there is a local need and arrangements are in place to secure it as affordable housing for subsequent occupants. The provision of affordable housing is therefore considered to be a material consideration in weighing up the merits of the development against the loss of informal play space.
- 1.4 30 of the proposed dwellings are to be contained within 4 no. apartment blocks, comprising a mix of 1 and 2 bedroom flats and ranging from 2.5 – 3.5 storeys in height. 2no. blocks are to be located fronting Cot Farm Circle whilst 2 will front Hendre Farm Drive. The remaining

26 units will be in the form of 2 and 3 bedroom, 2 storey dwellings with pitched roofs, arranged in detached, semi-detached or short terraces and concentrated around the central and southern parts of the site. An outcome of the pre-application discussions with local residents was to reduce the number of taller, apartment-type buildings opposite existing residential properties and replace them with two-storey dwellings.

- 1.5 The overall layout has been dictated largely by the existing highways, Cot farm Circle, Cot Farm Walk, Cot Farm Close and Hendre Farm Drive as well as the position of adjacent residential properties and gardens. A new vehicular link has been provided between Hendre Farm Drive and Cot Farm Walk whilst the through route between Cot Farm Close and Cot Farm Circle is proposed to remain closed to vehicles. Apartment Blocks A and B, fronting Hendre Farm Drive, will overlook a courtyard area to their rear. Parking is to be unallocated and on-street and its acceptability will depend upon the outcome of a submitted parking survey.
- 1.6 The primary issues for consideration in this application are: The loss of a designated environmental space, the design of the proposed dwellings and their layout and impact upon residential amenity, parking provision and movement through the site and between adjacent areas, the impact of the loss of the existing maisonettes and any regeneration and housing supply benefit of the construction of 56 additional affordable units in the area.

2. RELEVANT SITE HISTORY

89/0430	ERECTION OF WALLS AND FENCES TO FORM INDIVIDUAL FORECOURTS AND ERECTION OF STAIRCASE TOWER.	DEEMED TO BE GRANTED
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3. POLICY CONTEXT

- SP1 (Sustainability) favours proposals which make a positive contribution to sustainable development.
- SP13 (Planning Obligations) enables contributions to be sought from developers that will help deliver infrastructure which is necessary to support development.
- SP18 (Urban Regeneration) supports development which assists the regeneration of the urban area, particularly the city centre and the reuse of vacant, underused or derelict land.
- 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.
- GP3 (Service Infrastructure) states that development will only be provided where necessary and appropriate service infrastructure either exists or can be provided. This includes power supplies, water, means of sewage disposal and telecommunications.
- GP4 (Highways & 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 (Environment and Public Health) states that development will not be permitted which would cause or result in unacceptable impacts on public health.

- CE3 (Environmental Spaces and Corridors) safeguards environmental space and corridors as identified on the Proposals Map. Development of environment space will only be permitted where the existing space will be improved or complemented; there is no adverse impact on nature conservation interest; there is an appropriate replacement; or it can be demonstrated that there is an excess of environmental space.
- H2 (Housing Standards) promotes high quality design taking into consideration the whole life of the dwelling.
- H3 (Housing Mix & 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 areas within Newport. For new housing sites of fewer than 10 dwellings within the settlement boundary, and fewer than 3 dwellings within the village boundaries, a commuted sum will be sought.
- H9 (Housing Estate Regeneration) favours the regeneration or improvement of housing areas.
- T4 (Parking) states that development will be expected to provide appropriate levels of parking.
- CF1 (Protection of Playing Fields, Land & Buildings Used for Leisure, Sport, Recreation and Play) notes that such sites will be protected unless it can be demonstrated that they are surplus to requirements or adequate alternative provision will be provided.
- CF2 (Outdoor Play Space Requirements) states that when development results in the loss of open space or there is a requirement for additional open space, provision in accordance with the Fields in Trust Standard will be sought.

4. CONSULTATIONS

- 4.1 DWR CYMRU WELSH WATER: A water connection can be made available to the development. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

With regards to foul and surface water drainage, there is only capacity within the system to receive foul flows. However, it was agreed in principle at the pre-application stage that a connection of domestic surface water to the existing surface water sewer was acceptable at an attenuated rate of 12.2 l/s from the north of the site and 5 l/s from the south of the site.

However, further clarification was sought as to where the developer plans to discharge proposed highway drainage from the development. From reviewing the submitted drainage plan (drawing ref: 502 rev P02) and Drainage Strategy Report (15th September 2017) it is unclear as to where it is intended to discharge the highway drainage flows generated from the development. As a statutory undertaker we only have a duty to accept domestic foul and surface water flows. If the LPA is minded to grant planning permission it is recommended that a condition is attached to any planning permission granted to limit discharge rates to the agreed specified levels to prevent overload of the system.

- 4.2 WALES AND WEST UTILITIES: WWU has pipes in the area that may be at risk during construction. Should planning permission be approved the developer should contact WWU prior to commencement.
- 4.3 SPORT WALES: The application involves the development of informal recreational space and the accompanying Public Open Space assessment justifies the development on the basis there is a surplus of such land in the area. Sport Wales questions the soundness of the assessment which reaches this conclusion. Firstly the area of assessment is too large. Fields in Trust recommends a walking distance guideline of 480 metres to informal recreational spaces and if the area of assessment is to be focussed around Cot Farm Close then land off Dunstable Road should be discounted. Secondly, the land south of Sterndale Bennett Road appears to have little recreational value so there is doubt whether it should be included.

The main concern however is the apparent shortage of formal recreational space. If indeed there is a shortage then the application site could play a part in addressing the situation. It might not necessarily be suitable itself for formal sport but other informal recreational land such as that on the playing fields could be developed and reclassified. With a rebalancing

of the open space and the doubt about the inclusion of the informal spaces mentioned above it might be necessary to retain the space at Cot Farm.

4.4 NEWPORT ACCESS GROUP: No response.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE AND CITY SERVICES (TREES): There appears to be very little green open space. Trees and car parking mixed together has been shown not to work – the trees do not grow well, cars drive into them, issues of leaf and storm damage. Shrub beds do not work either – difficult to maintain and attracts litter and rats.

The scheme would benefit from grass verges along the roads planted with trees to give a boulevard effect.

5.2 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPING): The detailed planting design and maintenance/management plan could be conditioned.

The central square function is confusing. This could be a community space for events although runs the risk of becoming dead-space. The proposal is now for a significant run of gabion walling which unless executed very well can be reflective of low quality environments, become a trap for litter, and provide an unpleasant outlook for residents. Could access be controlled if needed in a less intrusive way e.g. use of bollards or through provision of walling and planting if seating is not desirable.

Raised the question whether this development is an opportunity to improve physical and visual access to the recreation ground/play area as this appears difficult to access at present and the scheme is removing a large area of open space.

5.3 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): No objection to the application providing adequate conditions are attached to any permission granted you may be minded to grant, including:

- A licence is obtained from NRW to undertake the works as it is a confirmed bat roost prior to commencement of works on site;
- Mitigation with regards to bats is carried out in accordance with the David Clements, August 2017 report. This is to include timings of works, method of demolition etc;
- Erection of 6 bird boxes as described in the report;
- Details of lighting- this should be sensitive to mobile species in particular bats;

Details of the ecologist should also be provided to the NCC Ecology Officer.

5.4 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): In regard to the latest submission comments as follows:

- The amended sustainability assessment should be submitted for approval.
- It was previously requested that an assessment of the existing on street parking situation is carried out and that information is submitted for consideration. Whilst a brief description has been submitted further evidence should also be included for consideration so that the suitability of the routes for increased vehicle movements can be considered. This should include an assessment (including photographic evidence) when on street parking demand is likely to be at its highest during evenings and weekend. This information has been requested as it's been confirmed that the new driveways for the existing properties will not form part of the application. I would suggest that there is a reliance on on-street parking in this area which could reduce the carriageway width and usability of the turning circle along Cot Farm Circle and Close which may result in increased likelihood for vehicle conflict and reversing manoeuvres due to the additional vehicle movements.
- A number of the spaces proposed will be located on the existing highway. Whilst these spaces will be provided off carriageway there is a question over whether these spaces will be additional or will just serve the existing residents. A survey as requested will also allow for this to be assessed in terms of ensuring that the parking provision is provided in accordance with the parking standards.

- Following submission of the amended plans the applicant has demonstrated that the carriageway will be widened at the bends and subsequently the swept path analysis is now acceptable.
- The applicant has proposed to remove the through route from Cot Farm Close which will resolve the previously stated issues with this road as it will now take the form of a private drive. A turning area has also been included to ensure access and egress of the drive in a forward gear.
- Should the application be approved then the following conditions should be included:
 - Details of refuse collection points;
 - The proposed planting areas located adjacent to the carriageway must not exceed a height of 600mm above carriageway level in the interest of pedestrian visibility;
 - No structures or planting should exceed a height of 600mm above carriageway level within any visibility splays;
 - CEMP must be submitted for approval and include such details as wheel wash facilities, dust suppression and contractor parking/compound, and
 - Bollard details to prevent vehicle access to the courtyard

Any works within the adopted highway will require the applicant to contact Streetscene to apply for a S.111 agreement. No works can take place within the adopted highway until the agreement is in place and final approval has been provided by the highway authority.

The applicant must note that consideration for adoption will be subject to a S.38 submission where a decision will be made based upon whether the area offers sufficient public utility, is acceptable in terms of future maintenance and whether it's been constructed/designed to an adoptable standard. In regard to the proposed product/materials, commuted sums will be required for any nonstandard construction which will, for example, include slabs, paving and verges.

- 5.5 HEAD OF STREETSCENE AND CITY SERVICES (ACTIVE TRAVEL COORDINATOR): No response.
- 5.6 HEAD OF STREETSCENE AND CITY SERVICES (DRAINAGE): Whilst a flood risk and drainage strategy has been implemented, no detail on the drainage proposals have been provided to demonstrate how surface water is to be managed for the site. Satisfied that such details can be required by planning condition.
- 5.7 HEAD OF STREETSCENE AND CITY SERVICES (PUBLIC RIGHTS OF WAY): No response.
- 5.8 HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH):

Noise

The SDR is relatively close and can be heard from the development site. The acoustic environment may have changed/background traffic levels have increased in recent years. Furthermore, the proposed apartment blocks are 4 storeys high (including balconies) which will not benefit from existing residential dwellings acting as a noise barrier. A noise assessment is required to consider the potential disturbance of noise from road traffic and ensure new residents are not exposed to this and to assess which Noise Exposure Category (or Categories) the proposed site falls within as provided in Planning Guidance Wales ' Technical Advice Note (Wales) 11 :Noise' . The whole site should be considered in the assessment. The report should provide appropriate recommendations based on the Noise Exposure Categories determined. If the noise assessment indicates that noise from the development will impact residents then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the local planning authority can also see from the plans that I therefore recommend that a noise assessment is undertaken. The applicant's noise assessment will need to demonstrate that all habitable rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night and can be effectively ventilated without opening windows.

Contaminated Land

The preliminary risk assessment submitted with the application has identified potential sources of contamination, to determine the level of risk the report has recommended a full site investigation and risk assessment. Concurs with the assessment and recommend the standard contaminated land conditions are attached to any planning permission granted.

Air Quality

To support the council's efforts to improve air quality across the city, and to future proof the development, it is recommended that a proportion of the parking spaces should be installed with electric vehicle charging points with remainder installed with the cabling.

- 5.9 HEAD OF REGENERATION, INVESTMENT AND HOUSING (PLANNING POLICY MANAGER): The proposed housing development is situated within the settlement boundary, in a sustainable location and within a well-established residential area. It would provide additional and upgraded affordable housing, the provision of which is favourably considered in terms of urban and housing estate regeneration objectives. The acceptability of the loss of the informal play space satisfies Policies CE3 and CF1 from a play space standards perspective, however enhancements to the site's setting and environmental qualities need to be addressed to fully satisfy Policy CE3 criterion i) and Policy H9 criterion ii).

The assessment of Outdoor Play Provision (supporting document to the Outdoor Play Space SPG) reviews outdoor play space in Newport against the National Playing Fields Association standard of 2.4ha per 1000 population. The Assessment of Outdoor Play Provision indicates that there is an overall deficit of open space in the Ringland ward when assessed against the Fields in Trust standard 2.4ha per 1000 population: -2.21ha shortfall. When broken down by play space type there is a shortfall of formal play provision of -7.86ha; a surplus of informal open space of +7.41ha; and a shortfall of -1.76ha of equipped play space. The assessment of accessible green space shows good coverage for the ward of Ringland, with 94% coverage.

- 5.10 HEAD OF REGENERATION, INVESTMENT AND HOUSING (PLANNING CONTRIBUTIONS MANAGER): Affordable housing is exempt from contributing towards leisure and education planning obligations.

Affordable Housing

The proposed properties would address a clearly identified affordable housing need for this area of the City and should be offered on a neutral tenure basis, providing opportunities for applicants to rent or part-purchase their home. The properties should be allocated through the Common Housing Register and attain the appropriate Welsh Government standards.

Should the developer decide to sell or rent the properties on the open market there would be a requirement for 20% affordable housing provision on-site (mix and type to be agreed with the Council). Alternatively, in exceptional circumstances, an off-site commuted sum could be agreed (in accord with the Affordable Housing SPG) for the provision of affordable housing for the City of Newport.

Education

The development falls within the catchment area of Llanwern High School, Ringland Primary School and Ysgol Gymraeg Casnewydd Primary School. Whilst it is recognised that no education contribution is requested for affordable housing, it is necessary to build-in safeguards to ensure that if any of the dwellings are sold or rented on the open market, the following formula will be applied:

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

- Number of post 16 pupils generated by market dwellings (prior to commencement of development) in excess of available capacity at Llanwern High School x £16,427 = Post 16 Education Sum;
- Number of primary pupils generated by market dwellings (prior to commencement of development) in excess of available capacity at Ringland Primary School and Ysgol Gymraeg Casnewydd Primary School x £16,115 = Primary Education Sum.

Leisure

There is a deficit of equipped and formal play provision within the Ringland Ward. Whilst it is recognised that no leisure contribution is requested for affordable housing dwellings, it is necessary to build-in safeguards to ensure that any dwellings sold or rented on the open market, will be subject to leisure planning obligation contributions. As such, any 'open market' dwellings will be subject to a financial leisure contribution, based on the following formula:

- Number of one bed 'open market' apartments (prior to commencement of development) x £1,821;
- Number of two bed 'open market' apartments (prior to commencement of development) x £3,816;
- Number of two bed 'open market' houses (prior to commencement of development) x £3,816;
- Number of three bed 'open market' houses (prior to commencement of development) x £5,724

5.11 **HEAD OF REGENERATION, INVESTMENT AND HOUSING (HOUSING STRATEGY AND DEVELOPMENT MANAGER):** The Housing Department fully supports the application. Newport City Homes are redeveloping a significant part of the estate including all of the existing shops, former public house and incorporating the sheltered housing scheme. In order to redevelop the shopping area a number of homes will be demolished and therefore existing residents need to be rehoused; this first phase will provide the new homes for the relocation of existing residents. Once this first phase is achieved then the demolition of the shops can take place and the remainder of the redevelopment facilitated. Newport City Homes are working in partnership with the City Council in all aspects of the scheme.

5.12 **HEAD OF REGENERATION, INVESTMENT AND HOUSING (ECONOMIC DEVELOPMENT):** No response.

6. REPRESENTATIONS

6.1 **NEIGHBOURS:** All properties within 100m of the proposal were consulted and 5 site notices displayed in the area close the site. A press notice was also published in South Wales Argus. 2 letters of objection were received. The comments made are summarised below:

- Concern that Newport City Homes won't provide the promised parking spaces for existing residents of Cot Farm Walk;
- The proposed development would increase the open space deficiency by 2.8ha and the land should not therefore be considered for development;
- The deficiency would be increased further by the increase in population as a result of this development and the traveller site at Ellen Ridge;
- The removal of front gardens in Cot Farm Walk represents the removal of safe play areas for children which is contrary to the Single Integrated Plan;
- A Public Health Assessment of the removal of the area to assess its impacts on activity and obesity in the area should be undertaken;
- There is no local area for play or equipped play within 100m or 400m respectively, which contravenes Welsh Government guidance on open space and FIT guidelines adopted by the Council;

- The area is susceptible to significant surface flooding and the proposal could lead to flooding in other areas because of the increase in built development;
- The high density design of the proposal is out of character with surrounding housing and above the 30% maximum uplift allowed;
- The proposed flats are socially exclusive as it excludes elderly and disabled people owing to the lack of lifts;
- The dwellings contain no features to reduce carbon usage and no charging points for electronic vehicles;
- Residents in flats will be forced to dry clothes on radiators and exposed to the associated risk;
- The design, construction and layout is not of a high enough standard for low income families and tenants will be in fuel poverty;
- Planning Policy Wales states that brownfield land should be used in preference to greenfield land;
- The proposal site shouldn't be considered as part of a Masterplan for the wider area and shopping centre;
- Alternative sites are available which would ensure existing play space is retained;
- The bat assessment is flawed owing to times surveys were undertaken and should be retaken;
- A phase 2 survey for the detection of slow worms should be undertaken as some of the site provides an ideal habitat;
- The ecological report ignores garden ponds and these areas should be surveyed for amphibians;
- An assessment needs to be taken during the hedgehog rut to assess the impact of the proposal on it;
- The proposal doesn't conform to the Well-Being and Future Generations Act owing to: the low standard of housing; adverse impact on biodiversity; removal of open space and subsequent impact on well-being; inaccessible and exclusionary flats with no lift access, and the removal of open space will make the area a less cohesive and attractive place to live.

6.2 COUNCILLORS: No comment.

7. ASSESSMENT

DEMOLITION AND REGENERATION

7.1 The proposal involves the demolition of an existing four storey building housing 12no 3 bedroom maisonettes. It is located in the eastern part of the application site which fronts green space adjacent to Hendre Farm Drive. The building is of a dated design, is partially boarded up and is of little architectural merit and therefore its demolition would not have an adverse impact upon the appearance or character of the area. In fact, as the building is at least partially vacant at present and ground floor openings are already boarded, it currently has a negative impact upon the streetscene and local amenity and its removal is welcomed.

7.2 An ecological survey undertaken by David Clements Ecology Ltd has been submitted for consideration and confirms that the residential block is a bat roost. Mitigation is proposed within the report and the Head of Streetscene and City Services (Ecology) has not objected to the proposal on the basis that:

- A licence is obtained from NRW to undertake the works prior to commencement of works on site;
- Mitigation with regards to bats is carried out in accordance with the David Clements, August 2017 report. This is to include timings of works, method of demolition etc;
- Erection of 6 bird boxes as described in the report;
- Details of lighting- this should be sensitive to mobile species in particular bats, and
- Details of the ecologist should also be provided to the NCC Ecology Officer.

7.3 A condition will therefore be attached to any permission granted to require the above, with the exception of ensuring a licence is obtained by NRW as this is a requirement governed by other legislation. An objector has questioned the soundness of the ecological report, however, the surveys were carried out by qualified ecologist and assessed by the Council's

own ecologist. It has been deemed as satisfactory and there is no cause for concern in relation to the quality or content of the report.

- 7.4 The net gain of 44 residential units will assist in contributing to housing land supply in Newport, specifically the windfall requirements of Policy SP10 (House Building Requirements) and offers significant benefit in terms of the provision of new affordable housing within an existing residential area. The construction of new dwellings and highways with landscaped areas will contribute to improving the overall appearance of the area and the aim is for it to eventually form part of a wider regeneration scheme within the area. The proposals are therefore consistent with the objectives of Policy SP18. However, these benefits need to be considered against the loss of greenfield land, the acceptability of which will be assessed against Policies CE3 and CF1 below.
- 7.5 The Head of Regeneration, Investment and Housing (Housing Strategy and Development Manager) fully supports the application on the basis that Newport City Homes (the applicant) intends on redeveloping a significant part of the Ringland Estate. In order to redevelop the shopping area a number of homes will be demolished and therefore existing residents need to be rehoused and the proposal will form the first phase in the provision of new homes for the relocation of existing residents. Once this first phase is achieved then the demolition of the shops can take place and the remainder of the redevelopment facilitated.
- 7.6 Policy H9 also favourably considers the regeneration or improvement of housing areas where they are undertaken in a comprehensive manner, protect open space and the setting of the estate, widen tenure options where they are limited and encourage the development of community use where appropriate. The proposal represents a form of housing estate regeneration and housing stock upgrading, however as noted above these benefits need to be weighed up against the loss of the informal play space.
- 7.7 Policies H4 and H5 relate to affordable housing contributions and exceptions. The development is located within the area of East Newport where there is a requirement to provide 20% affordable housing where more than 10 dwellings are proposed. This application is for 100% affordable housing and the proposed properties would address a clearly identified affordable housing need. The Head of Streetscene and City Services (Planning Contributions Manager) has however indicated financial contributions for affordable housing, education and leisure should the developer decide to rent or sell the properties on the open market. The applicant has agreed to these terms and any planning permission will be subject to a formal Section 106 agreement.
- 7.8 Policy H5 states that favourable consideration will be given to proposals for the provision of affordable housing on sites in or adjoining settlements that would not otherwise be released for development provided that there is a local need and arrangements are in place to secure it as affordable housing for subsequent occupants. The need arises from providing homes for those to be displaced from the demolition of maisonettes at Ringland Centre as well as the overall need to regenerate the Ringland Estate. A S106 agreement will secure affordable housing for subsequent occupants and therefore the proposal complies with Policy SP5.
- LOSS OF PUBLIC OPEN SPACE
- 7.9 0.59ha of the application site is allocated as Environmental Space in the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). The Environmental Spaces Background Paper (June 2013) identifies the reasons for designation in this instance being supported by the Assessment of Outdoor Play Provision and its contribution to Accessible Natural Greenspace. The Assessment of Outdoor Play Provision (supporting document to the Outdoor Play Space SPG) reviews outdoor play space in Newport against the National Playing Fields Association standard of 2.4 hectares per 1000 population. The site is also considered to contribute to the (former) Countryside Council for Wales localised standard of no person should live more than 300m from their nearest area of natural greenspace.
- 7.10 A public open space assessment has been submitted with the application and concludes that the proposed site will not undermine the existing provision of informal recreational open space as an excess of 6.82ha would still remain and that the existing deficiency of

equipped children's play areas and formal recreation open space serving the ward will not be exacerbated as a result of the application.

- 7.11 The Sports Council questions the soundness of the submitted assessment and the suitability of nearby alternative open space in terms of its recreational value and suggests the open space at the application site may need to be retained. One representation made by the public objects to the loss of the open space area and states that the existing deficiency will be exacerbated through the growth in local population with a subsequent impact on public health. The Sports Council appear to be applying a standard that is not ward based as used in the LDP and adopted SPG. The latter is well established and must carry substantial weight. It is based upon the Fields in Trust standard of 2.4ha per 1000 population and the guideline walking distance of 480m to open space as mentioned in the Sports Council response is an aspirational guideline or an "ideal" that is not supported by local adopted policy and therefore must carry little weight in decision making. However, the site is within close walking distance of all types of open space, all of which is well within 200m walking distance of the site. The increase in population and concerns for the shortfall of equipped and formal play space raised by the neighbouring objector are fair points but must be considered alongside the fact that the scheme includes the demolition of 12 units so amounts to an increase of 44 units; the scheme is phase 1 of what is anticipated to be a much larger regeneration scheme and will allow residents of subsequent phases to be rehoused here to free-up subsequent redevelopment areas; the site is located in close proximity to a large communal area informal, formal and equipped play; and the Council has a surplus of informal play space in the Ringland ward that this loss of space and additional population will not turn to a deficit. Opportunities for enhanced formal or equipped play space in the Ringland ward may be explored as part of other schemes but are not part of this proposal, and in development management terms, the loss of equipped or formal play space in Ringland as part of other future applications in the ward is likely to give rise to planning policy concerns.
- 7.12 The Head of Regeneration, Investment and Housing (Planning Policy Manager) has analysed the assessment of open space submitted, has no concerns with regard to its soundness and confirms that although there is an overall deficit of open space in the Ringland ward when assessed against the Fields in Trust standard of 2.4 hectares per 1000 population, when broken down by play space categories there is a shortfall of formal play provision of -7.86 ha; a surplus of informal open space of +7.41 ha (which includes the application site); and a shortfall of -1.76ha of equipped play space. The assessment of Accessible Natural Greenspace shows good coverage for the ward of Ringland, with 94% coverage. The application site contributes to this coverage, but is situated immediately adjacent to other greenspace in the ward west of Cot Farm Close and so its loss will not be a significant one. Criterion (iii) of policy CE3 refers to each type of public open space, i.e. formal, informal and equipped and does not require the supply of these to be aggregated in any assessment of development on public open space. Therefore, it is acceptable to assess the loss of informal open space upon the supply of informal open space in the ward rather than assess the loss of informal space on the entire (formal, informal, equipped) open space provision for the ward. The former results in a marginally reduced but still notable surplus of informal open space provision for the ward population, the latter results in a larger deficit of overall provision for the ward as both formal and equipped area are less well provided for. During recent site visits, it was noted that the application site serves no obvious recreational purpose but green space clearly has visual amenity and wellbeing merits. Parts of the site are being used for flytipping at present and walkers appear to use local pathways rather than cut across the site. These pathways will be maintained and increased and therefore local permeability will be preserved.
- 7.11 Although there is an overall surplus of informal open space within the ward, the environmental qualities of the site and opportunities to improve or complement the provision need to be addressed to satisfy criterion (i) of Policy CE3. On site landscaping and amenity space will therefore need to be carefully considered. TAN 16, paragraph 3.8 notes that some forms of development, for example housing, may affect the use of remaining playing areas, and the possible benefits offered by such development should be weighed against the possible effects on open space.

- 7.12 There are no ecological designations associated with the site and the ecological report submitted confirms that there will be no adverse impact subject to mitigation, as discussed above. When assessed against the Fields in Trust informal play space standards the Ringland ward has a surplus of provision (+7.41ha). The application site accounts for 0.59ha of the informal play provision in the ward, leaving a surplus of 6.82ha in this locality. Therefore, there is potential flexibility to change existing informal open space surplus provision to reduce the deficit of other play area types as part of the area's regeneration and the loss of this particular site as open space does not remove such flexibility. Policy CF1 and criterion iii) of CE3 is therefore satisfied in this respect. Whilst there is a surplus of informal play space in Ringland and the relevant policies are satisfied in this respect, enhancements to the landscape setting and amenity space within the site should be incorporated into the site in order to fully satisfy the requirements of Policy CE3. These aspects will be discussed below.

DESIGN AND LAYOUT

- 7.13 Following the demolition of the existing maisonettes, the remaining properties overlooking the site are characteristically 2 storey terraced properties, although there are some semi-detached dwellings. Brick and render, both smooth and sparred, are the most commonly used materials with hanging tiles evident on some properties. Other maisonette buildings do exist in the wider area and a tower block is located to the east at Ringland Centre.
- 7.14 Policy H3 (Housing Density and Mix) states that residential development should provide a mix of housing and be built at a density of at least 30 dwellings per hectare. The proposal has a density of approximately 95 dwellings per hectare and provides a mix of 1 and 2 bedroom flats and houses with the composition shown in the table below and therefore complies with Policy H3.

Affordable housing	
2-bed	18
3-bed	8
Affordable flats	
1-bed	11
2-bed	19
Total	56

- 7.15 The proposal comprises 4no. blocks of maisonettes varying from 2 to 4 storeys in height. Block A is the tallest and is to be located at the corner of Cot Farm Close and Cot Farm Circle with a frontage to both. It comprises 2no. adjoined blocks with 4 floors each, the fourth being accommodated within the roof and served by dormer windows. It will accommodate 8no. 1 and 2 bedroom flats and 4no. 2 bedroom maisonettes with balconies to the south and west elevations.
- 7.16 Block B is rectangular in shape and located at the northern corner of the built part of the application site at the junction of Cot Farm Circle and Cot Farm Walk. It will comprise 3no. ground floor, 1 bedroom flats and 3 no. 2 bedroom maisonettes which will occupy the second and third floors. As with Block A, the upper most floor will be contained within the roof and served by dormer windows and balconies overlooking Cot Farm Circle.
- 7.17 Blocks C and D are to be located in the eastern-most part of the site, although closer to the highway at Hendre Farm Drive than the existing maisonettes. Block C will contain 4no. 2 bedroom flats in a two storey block with 2no. balconies at first floor level to the rear elevation. Block D will comprise 2 adjoined blocks forming an L-shaped plan and is located at the junction of Hendre Farm Drive and the new vehicle through-route to Cot Farm Walk. It is to contain 3no. ground floor 1 bedroom flats and 3no. 2 bedroom maisonettes occupying the second and third floors with the third floor served by dormer windows.
- 7.18 Within the New Dwellings SPG there is a requirement for new flats to have minimum internal sizes of 50 and 65 square metres for 1 and 2 bedroom flats respectively. There is also a requirement to provide between 2 and 3 square metres of private amenity space with 15 square metres per person of communal space. Blocks C and D are served by small

communal areas but blocks A and B are not, although plans show a generous amount of landscaping surrounding each block and some flats have their own private amenity space in the form of balconies or small gardens. Internally, many of the flats and maisonettes exceed the minimum required standards and several are served by balconies. However, 9 of the 1 bedroom flats, in blocks A, B and D are between 2 and 3.9 square metres below the minimum required internal size. However, these units either have their own small private amenity areas or overlook landscaped areas and so providing a pleasant outlook and level of amenity of occupants. All units have access to bin storage areas which have been sensitively located to not have a significant impact upon the streetscene.

- 7.19 With regard to the new dwellings, external garden areas often do not achieve the minimum 10m depth required within the New Dwellings SPG, however, for the majority of gardens the overall area of external private space is generous and provides an adequate level of residential amenity. The exceptions to this are units 21, 22 and 23 whose rear gardens adjoin the courtyard shared by apartment blocks A and B. Despite the small size of the private amenity space, there is a sufficient amount of space for refuse storage and drying clothes with a hard paved backyard and planted areas and a sense of rear space enhanced by the absence of buildings or private gardens directly to the rear (as they adjoin a shared courtyard).
- 7.20 The Supplementary Planning Guidance for new dwellings sets a minimum distance of 21m between protected windows. All measured distances between protected windows in existing properties surrounding the site and the new units exceed this amount and will not therefore have an adverse impact in terms of overlooking. Owing to the siting of the blocks and distances between neighbouring properties there will be no overbearing impact or loss of light to existing dwellings. The arrangement of dwellings and position of windows within the site ensures that these distances are not contravened for the new dwellings and ensuring an adequate level of amenity. A condition will be attached to any planning permission granted to require the submission of details of a privacy screen to be erected to the elevated rear balconies of some units at Block C to avoid harm to the amenities of the future occupants of unit 41.
- 7.21 Within the design and access statement it is claimed that high quality materials will be used throughout the development and images of bricks, wood and metal cladding have been included. However a condition will be attached to any permission granted to require the submission of details of materials for approval.

TREES AND LANDSCAPING

- 7.22 The existing site contains very little in the way of formal landscaping and the use of effective landscaping throughout the proposal can contribute in some way for the loss of open space through the creation of a high quality and attractive environment.
- 7.23 An illustrative landscape plan has been submitted for consideration and it has been requested within the application that a detailed landscape plan is required by condition. The submitted plan shows areas of tree and shrub planting fronting primary highway routes and along the secondary routes through the application site and at key junctions. A Tree is proposed within the central court yard and some tree planting is proposed adjacent to parking areas.
- 7.24 The Head of Streetscene and City Services (Trees) has not objected to the proposal but has commented on how trees and car parking do not work well together and how shrub beds can attract litter and rats. No formal Environmental Health objection has however been received in respect of such features. With regard to trees near to parking, a requirement will be incorporated into tree planting/landscaping conditions to ensure protective features are erected to prevent tree damage. It has also been noted how the scheme would benefit from grass verges along highways with trees to create a boulevard effect. This would indeed be attractive, however, in the context of this scheme there appears to be insufficient room to fulfil this request and tree planting has already been proposed along the Cot Farm Walk to Hendre Farm Drive route.

7.25 The Head of Streetscene and City Services (Landscaping) is satisfied that a detailed planting design and maintenance plan can be conditioned if planning permission is granted. However, it has also been stated that the central square function is confusing and runs the risk of becoming dead-space. The submitted plan shows a significant run of gabion walling which can be reflective of low quality environments, become a trap for litter, and provide an unpleasant outlook for residents. It would be preferable to control access needed in a less intrusive way e.g. use of bollards or through provision of walling and planting if seating is not desirable. A condition will therefore be attached to any permission granted to require the submission of an alternative scheme of hard landscaping in this location and prevent the installation of gabion baskets as officers concur with the views of the Landscape Officer in relation to the suitability of this type of enclosure within the square.

7.26 The square referred to is not central to the site but its layout appears logical as it is set behind properties proposed to front Cot Farm Close, Walk and Circle. Details of how this square will be laid out, maintained, finished and landscaped are required but its location is acceptable in principle, served by wide pedestrian accessways from all three roads above. How this square will function in the longer term is difficult to predict as it is close to and forms part of areas also accessible by vehicles and much of this layout is reliant upon unallocated parking. Therefore the square may become another parking area if not treated differently to accessways in terms of its layout and finish. Vehicle deterrent features other than a gabion wall, will be required. The illustrative landscape plan demonstrates the intention to provide a high quality environment through the use of various forms of landscaping throughout the site. The court yard and network of pedestrian routes to and round it and the remainder of the development provide interesting spaces throughout the site which add to its quality and appearance. Throughroutes to adjacent green spaces are maintained and natural surveillance of such areas is provided. It is considered therefore that criterion i) of Policy CE3 has been satisfied in this respect and contributes to the justification for the loss of open space which currently occupies part of the site.

NOISE AND CONTAMINATION

7.27 The Head of Law and Regulation (Environmental Health) has requested that a noise assessment is undertaken to assess the impact of noise from the Southern-Distributor Road upon the new properties. A minimum level of internal noise which should be achieved has been recommended. However, in this instance it is considered that a noise assessment would be unreasonable considering the predominantly residential nature of the surrounding area. The Southern Distributor Road is 300m away from the application site and although distant traffic associated noise can be heard at times, there is no evidence to suggest that the SDR currently has an adverse impact upon the residential amenities of the existing area and that the potential effects on this development warrant a noise impact assessment at pre determination stage. Noise is not a significant constraint to this development. The units located in the eastern portion of the site (and closest to the SDR) do not exceed 2.5 storeys in height, commensurate with the height of existing residential properties and there is no reason to believe they would be exposed to greater noise levels or that any noise encountered would be harmful. In an urban location, some background noise whether it be traffic or other related, is to be expected.

7.28 The preliminary risk assessment submitted with the application has identified potential sources of contamination, to determine the level of risk the report has recommended a full site investigation and risk assessment. The Head of Law and Regulation (Environmental Health) concurs with the assessment and has recommended the standard contaminated land conditions are attached to any planning permission granted.

7.29 The proposal is unlikely to have a direct adverse impact upon any of Newport's allocated Air Quality Management Areas. However, in order to encourage an improvement in air quality across the city, and to future proof the development, an advisory note will be attached to any planning permission granted to suggest that electric vehicle charging points are installed to some parking areas and cabling is installed throughout the site to allow future installation. As the Council currently has no adopted SPG relating to air quality and the site is not within or near to any Air Quality Management Area where air quality conditions can be shown to be adversely affected by the development, there is considered to be no reasonable justification for requiring on site charge points by way of planning condition albeit that the benefits of doing so are not disputed.

DRAINAGE

- 7.30 The proposal is not defined as a flood risk area within Natural Resources Wales Development Advice Maps, however, an objection letter received from a neighbouring resident indicates that there are local flooding issues within the application site with the existing open space area suffering from poor drainage. The Head of Streetscene and City Services (Drainage) has requested that surface water drainage proposals are submitted for subsequent approval if planning permission is granted. Dwr Cymru Welsh Water has confirmed that there is only capacity within the system to receive foul flows and not surface water. However, it was agreed between the developer and Dwr Cymru in principle at the pre-application stage that a connection of domestic surface water to the existing surface water sewer was acceptable at an attenuated rate of 12.2 l/s from the north of the site and 5 l/s from the south of the site. Dwr Cymru Welsh Water have therefore recommended that if the LPA is minded to grant planning permission a condition is attached to any planning permission granted to limit discharge rates to the agreed specified levels to prevent overload of the system.
- 7.31 Subject to the above information being approved, there is no reason to believe that there would be localised flooding problems experienced at the site or that existing problems would be exacerbated elsewhere. In fact, acceptable drainage proposals that will require technical drainage solutions to serve the development could improve drainage from an area which has been reported as draining poorly.

HIGHWAYS, PARKING AND MOVEMENT

- 7.32 The site is within Parking Zone 3, as allocated by the Parking Standards Supplementary Planning Guidance (Adopted August 2015). There are several bus stops throughout the area with regular services providing access into Newport and the wider highway network. Local services such as community facilities, convenience stores, health services and schools are also located within walking distance of the development site and the proposal therefore complies with Policy SP1 in terms of sustainability. The vehicular network is also well connected and provides access to Newport, Newport Retail Park, Cardiff and the M4.
- 7.33 As part of the re-development of the site, it is proposed to provide three access points to the local highway network as follows:
- Enhance the existing access arrangement off Hendre Farm Drive, which currently provides access to seven garages and four car parking spaces. It is proposed to provide a 4.8m carriageway with 2m footways on either side of the carriageway;
 - Provide a new 4.8m wide access from the west off Cot Farm Circle via a priority 'T' junction; and,
 - Provide a new 4.5m wide access from the south off Cot Farm Close via a priority 'T' junction.
- 7.34 A new secondary road will be constructed through the north of the site to link Cot Farm Walk with Hendre farm Drive. Enhanced pedestrian linkages from adjacent areas through the site will be to the benefit of both existing and proposed residents and encourage walking and cycling, with 2m wide footways included on one or both sides of the carriageway throughout the site, which addresses the public health concern raised within one objection letter.
- 7.35 Owing to the composition and mix of dwellings, the 20% reduction in parking standards allowed by the adopted Supplementary Planning Guidance via a sustainability test and the demolition of 12 x 3 bedroom maisonettes, the parking standards require 49no. resident parking spaces and 11 no visitor spaces for the proposed development. A total of 65no. spaces have been provided and therefore is in excess of the SPG requirement, some via unallocated spaces on highways throughout and adjoining the development. Within the Transport Assessment submitted, it is held that this number of spaces is sufficient given the scale and nature of the development (refer to the tables below). There is no objection to the number of spaces proposed. The Head of Streetscene and City Services (Highways) however has requested further details with regards to parking through an amended

sustainability assessment and the undertaking of a parking survey in order to establish how much on-street parking already occurs in the area and what effect this has on highway safety bearing in mind the additional on street parking that will arise from the proposed development. At time of writing, a parking survey had been provided but had focused primarily on Cot Farm Circle and did not address Cot Farm Close. The parking figures below need to be treated with a degree of caution as some on street spaces will likely serve existing resident parking (as parking already occurs on roads where the applicants propose unallocated on street spaces to serve the development) rather than serve exclusively for the benefit of the development. Notwithstanding this, in accordance with the adopted SPG and having regard to the sustainability test and the demolition of the existing units (from which a parking demand would have arisen), the site includes excess parking provision and therefore no demonstrable harm will arise from the possibility that some of the unallocated on street spaces will potentially be used by existing residents close to the site. On Cot Farm Close there are existing problems associated with parking occurring in the turning circle as this is the only facility available for vehicles to turn, the Close itself being too narrow to allow such manoeuvres. With potential demand arising from additional units, albeit with dedicated off site spaces to serve them, such parking may lead to increased reversing manoeuvres along the highway by reason of a lack of space in the turning circle. The Head of Streetscene and City Services is yet to comment upon the parking survey as this was received as a late report from the applicant, but such comments will be verbally reported to Committee. One neighbour has written that they are concerned that Newport City Homes will not stand by their promise to provide driveway parking, however, this agreement is outside the scope of the application and provided sufficient and adequate replacement parking is provided where it has been lost then there will be no objection with regards to parking provision for neighbouring residential properties.

The parking break-down

Proposed

Dwelling Type	No.	Maximum Provision	Sustainability reduction	Sustainability adjustment
1 Bed	11	11	N/A	11
2 Bed	37	74	37	37
3 Bed	8	24	8	16
Visitor	1 space per 5 dwellings	11	N/A	11
Total	56	120	45	75

Existing

Dwelling Type	No.	Maximum Provision	Sustainability reduction	Sustainability adjustment
3 bed maisonettes	12	36	12	24
Visitor	1 space per 5 dwellings	2	N/A	2
Total	12	38	12	26

7.36 In short, although potential parking spaces are shown to the front of some existing properties this does not form part of the application and cannot be secured via this decision.

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 development.

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 and whilst reference to the Act is made by one objector, all relevant matters have been considered in this report and officers are satisfied that the proposal represents a sustainable form of development. 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 fulfils a regeneration and affordable housing need within the Ringland Area and forms the initial phase in the wider regeneration of the area. The loss of the public open space is justified by the fact that the area has a large surplus of this type of open space (i.e. informal) and so its loss will not have a significant adverse effect on local community wellbeing and health. Furthermore, the proposal will provide affordable units required as part of the wider regeneration proposals and will help meet the needs of the community in terms of affordable housing provision which is supported by the Council's own housing service. Whilst the loss of green space is regrettable in principle, the space lost offers no formal or equipped play provision, a lack of which exists to serve the community at present. Instead it occupies land serving as informal open space or accessible green space that is a valuable local commodity but not under supplied for the local population according to the Council's records. In fact, even with the loss of this space, a notable surplus will remain and may well, in future, help to mitigate the current shortfalls in equipped and formal provision. The proposed residential properties will provide an adequate level of amenity for future occupants and the residential amenities of existing nearby residents will be protected. Matters relating to parking and highway safety are largely acceptable, however comments from the Head of Streetscene and City Services in relation to the parking survey just received at time of writing will be verbally reported to the Committee.

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: 3609-PA-004J, 3609-PA-003, Curtins Plans 95600revP03 (2 plans), sk006P02, sk005P03, SK004P06, SK002P07, sk001P09, 3609-PA007A, 3609-PA-006A, 3609-PA005D, 17-62-PL-202A, 3609-PA-030A, 3609-PA-001, 002 AND 003, 3609-PA-010-021 (INCLUSIVE), 3609-PA-021, 023, 25-30, 32, 40, 50-52, 60, 61, DAS (sep 17), Geotechnical and geoenvironmental report July 2016, Flood Risk Assessment and drainage strategy (Curtins Sep 17), Tree Survey (SJ Ambler June 17), Storm Water and Foul Water plans, Public Open Space Assessment (asbri Aug 17), Planning Statement (asbri Sep 17), Ecological Assessment (Aug 17), Tree Survey plan SAAC.17.019, Transport Statement (asbri Sep 17) and Preliminary Site Assessment (curtins Jul 17).

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

Pre- commencement (including demolition) conditions

02 Prior to the commencement of development (to include demolition) details of an appropriately qualified ecologist appointed to oversee the development and associated ecological mitigation works, shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in accordance with the ecological mitigation set out in the approved Ecology Report by David Clements (August 2017).

Reason: In the interests of safeguarding European Protected species and birds.

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

- dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition Activities;
- noise mitigation measures;
- details of temporary lighting;
- details of enclosure of working areas;
- a drainage strategy to operate setting out controls of contamination, including controls to surface water run off, water pumping, storage of fuels and hazardous materials, spill response plans and pollution control measures.
- pollution prevention and contingency measures.
- parking to serve existing residents during the construction period.
- routes of construction traffic and details of access to the construction site for the construction period.

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

Reason: To protect the amenities of nearby residents and in the interests of ecology including European protected species.

Pre- commencement (excluding demolition) conditions

04 Before the development, other than demolition, is commenced, written approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating the number, species, heights on planting and positions of all trees and shrubs). This shall include full details of permanent protective fencing to all trees located within or adjacent to highway or parking areas and barriers or walling to shrub planting adjacent to parking areas (to prevent damage). 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.

05 Notwithstanding the details submitted, full details (to include samples) of all hard surfaces to communal areas including vehicle deterrent features (that shall not include a gabion wall as shown on the approved site layout plan) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (excluding demolition). The development shall be completed in accordance with the details approved and retained thereafter.

06 Notwithstanding the details submitted, full details of the treatment of the communal courtyard including materials, hard and soft landscaping, enclosures and means of preventing vehicles from using it as a parking area or throughroute shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (excluding demolition). These details shall clearly show how pedestrian priority shall be achieved and maintained in this area and shall be completed in accordance with the details agreed and retained thereafter.

Full Contaminated land

07 Surface water flows from the development shall only communicate with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 12.2 l/s from the north of the site and 5 l/s from the south of the site, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (excluding demolition). Thereafter, no highway drainage shall connect directly or indirectly to 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

08 Prior to the commencement of development (other than demolition), full details of all permanent lighting serving the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the details approved and retained thereafter.

Reason: In the interests of visual and residential amenity and ecological interests.

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

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

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

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

d) Following remediation a Completion/Verification Report, confirming the remediation has being 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.

10 No development, other than demolition, shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.
Reason: To ensure that the amenities of future occupiers are protected.

Pre – construction conditions

11 Prior to the commencement of construction on Block C hereby approved, full details of privacy screens to be included on all elevated balconies shall be submitted to and approved in writing by the Local Planning Authority. Such screens shall be a minimum 1.8m above balcony floor level and shall be installed in accordance with the details approved prior to first occupation of the apartments they serve and shall be retained thereafter.
Reason: To provide an acceptable level of amenity to proposed unit 41 and to safeguard the amenities of existing, adjacent residents.

12 Notwithstanding the information submitted, full details of external finishes including samples of external finishes to walls and roofs of units hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction. The development shall be completed in accordance with the details agreed.
Reason: To ensure a high quality finish to built development and compatibility with existing built form in the interests of visual amenity.

13 Prior to the commencement of construction, full details of how all communal areas will be managed and maintained in the long term shall be provided to and agreed in writing by the Local Planning Authority. Such areas will be managed and maintained in accordance with the approved details thereafter.
Reason: The site includes several community spaces, the treatment and maintenance of which will contribute to the urban environment, social wellbeing and visual amenity.

Pre –occupation conditions

14 Prior to the first beneficial occupation of any unit hereby approved cycle parking in accordance with the approved drawings shall be provided. They shall then be maintained thereafter.
Reason: To provide residents a choice of means of travel and to promote sustainable travel.

15 Prior to the occupation of any unit, space for the parking of vehicles shall be provided to serve the unit in accordance with the details shown on Drawing 3609-PA-004J. Thereafter, the parking spaces shall be kept available for such use at all times.
Reason: To ensure that adequate off-street parking provision is made in the interests of highway safety.

General conditions

16 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 forward of the front wall of the dwelling(s) hereby permitted without the prior written permission of the local planning authority.
Reason: In the interests of the visual amenities of the area.

17 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 at

plots 21, 22, 23, 55, 56, 33 as shown on the site layout plan hereby approved 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.

NOTE TO APPLICANT

01 This decision relates to plan Nos:

3609-PA-004J

Curtins Plans 95600revP03 (2 plans), sk006P02, sk005P03, SK004P06, SK002P07, sk001P09.

3609-PA007A

3609-PA-006A, 3609-PA005D, 17-62-PL-202A

3609-PA-030A

3609-PA-002

3609-PA003

3609-PA-001, 002 AND 003

3609-PA-010-021 (INCLUSIVE)

3609-PA-021, 023, 25-30, 32, 40, 50-52, 60, 61.

3609/SK/070

PAC report (sep 17)

DAS (sep 17)

Geotechnical and geoenvironmental report July 2016

Flood Risk Assessment and drainage strategy (Curtins Sep 17)

Tree Survey (SJ Ambler June 17)

Storm Water and Foul Water plans

Public Open Space Assessment (asbri Aug 17)

Planning Statement (asbri Sep 17)

Ecological Assessment (Aug 17)

Tree Survey plan SAAC.17.019

Transport Statement (asbri Sep 17)

Preliminary Site Assessment (curtins Jul 17)

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

03 The development site is crossed by a public sewer and watermain. The developer should contact Dwr Cymru Welsh Water for further details and ensure access to apparatus is available at all times.

04 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. 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 WWU has pipes in the area that may be at risk during construction. The developer should contact WWU prior to commencement.

06 In order to encourage an improvement air quality across the city, and to future proof the development, it is advised that electric vehicle charging points are installed to some parking areas and cabling is installed throughout the site to allow for future installation.

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

APPLICATION DETAILS

No: 17/0894 Ward: **RINGLAND**

Type: Full (Major)

Expiry Date: 21-MAR-2018

Applicant: **NEWPORT CITY HOMES**

Site: **Land south of and adjacent to, Cot Farm Walk, Newport**

Proposal: **DEMOLITION OF EXISTING RESIDENTIAL APARTMENT BLOCKS AND ERECTION OF 56NO. TWO TO FOUR STOREY BLOCKS AND TWO STOREY HOUSES WITH INTERNAL ROAD NETWORK, CAR PARKING AND ASSOCIATED WORKS**

1. LATE REPRESENTATIONS

- 1.1 Additional comments have been received from the Head of Streetscene and City Services (highways) in response to late information received and from the agent in response to the publication of the officer report and the comments raised are as follows.
- 1.2 HEAD OF STREETSCENE & CITY SERVICES (HIGHWAYS)
- 1.2.1 The amended plan to accompany the sustainability assessment is now acceptable.
- 1.2.2 In terms of the parking survey I would comment as follows:
- The survey has not been carried out along Cot Farm Close even though Cot Farm Circle and Close were highlighted as the areas of concern in my previous comments. I require this information in order to determine the suitability of Cot Farm Close to accommodate additional vehicle movements. My concerns relate to the ability of the road to accommodate two way vehicle movements and also whether vehicles can make use of the turning circle.
 - It appears that vehicles are parking along Cot Farm Circle adjacent to the site and therefore it's debatable whether the spaces along Cot Farm Circle are actually additional.
 - It would appear from the photos that spaces are available within the car park adjacent to Cot Farm Circle however this cannot be considered as it does not form part of this application and is privately owned.
- 1.2.3 The amended plans show 63 spaces will be provided as part of this development. It would be appropriate to discount the spaces on the existing highway as technically these sections of highway can already be used for parking. The applicant has however proposed to provide off carriageway parking which is considered an improvement in terms of the free flow of traffic.
- 1.2.4 When excluding the spaces on the existing highway the proposed additional parking provision is 50 spaces. Previously a sustainability assessment has been accepted which justified a 1 space reduction and when taking this into consideration the residential parking generation is determined to be 64 spaces. In addition, visitor parking must be provided which is 11 spaces at a ratio of 1 space per 5 units. This results in an overall parking demand of 75 spaces.
- 1.2.5 It's clear that this parking demand is not being met however the existing situation must be taken into consideration. Currently 12 maisonettes are located on site and will be demolished as part of the redevelopment of the site. I've previously been informed that properties consist of 3 bed units and therefore when applying the parking generation in accordance with the Newport City Council parking standards, the residential parking demand is 24 spaces. In addition there will be a demand associated with visitors which is determined to be 2 – 3 spaces. This results in a total existing parking generation of 26 spaces. No off street parking provision is available for the existing properties and therefore it must be assumed that they would park on the existing highway network.

- 1.2.6 When offsetting the existing parking generation against the proposed it's determined that the overall parking demand in the area will not increase.

1.3 AGENT REPRESENTATION

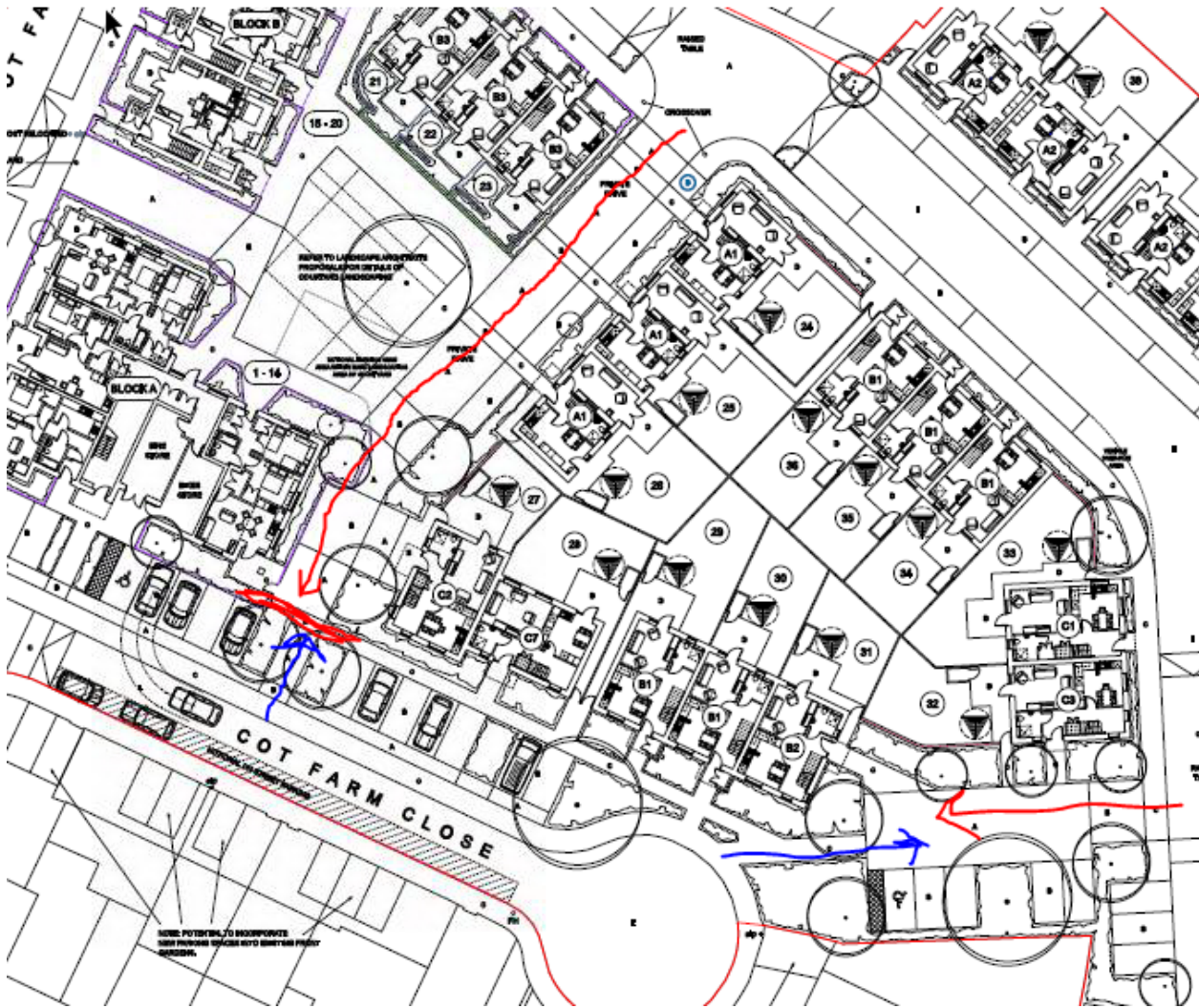
- 1.3.1 The agent has referenced several sections of the report relating to unit numbers, parking and access points that are inaccurate, in part due to amendments to plans during the course of consideration of the application. The paragraphs referenced and points raised are addressed by the officer response below.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

- 2.1 Firstly, and in response to the agent representation, members are asked to refer to the following as corrected updates of the stated paragraphs in the officer report.
- 2.2 At paragraph 7.15 please note that the proposal comprises 4no. blocks of units (not maisonettes as stated in the paragraph). Block A will accommodate 14 units (not 12 as stated in the report) of which 5 will be 1 bed flats, 4 will be 2 bed flats and 5 will be 2 bed maisonettes. For further clarity, the accommodation schedule proposed in the 4 blocks (excludes standard dwelling units proposed as part of the scheme) is as follows.

	Block A	Block B	Block C	Block D	Total
1 bed flats	5	3		3	11
2 bed flats	4		4		8
2 bed maisonettes	5	3		3	11
Total	14	6	4	6	

- 2.3 Paragraph 7.33 states that "as part of the re-development of the site, it is proposed to provide three access points to the local highway network" and lists the 3 points. This aspect of the scheme was amended due to recent discussions with the agent and there are now 2no. vehicular access points to the local highway network. The third point referred to in the officer report, a 4.5m wide access from the south off Cot Farm Close via a priority 'T' junction, has been omitted and this is now a pedestrian only access from Cot Farm Close. There is also no vehicular through-route between Cot Farm Walk and Cot Farm Close as the access into the development off Cot Farm Walk is now a cul-de-sac. A section of the most recent site layout is attached below and shows pedestrian access routes off Cot Farm Close as a blue arrow. Vehicular access points off Cot Farm Walk are shown as red arrows. In short, parking to serve the new development will be provided off Cot Farm Close but there will be no vehicular access points to serve the development off this highway. These amendments are pursuant to comments raised initially by the Head of Streetscene and City Services and address concerns raised regarding these aspects of the proposal.



- 2.4 As part of the same paragraph, officers reference the access off Hendre Farm Drive serving seven garages and four car parking spaces. The garages have been demolished and the agent states that this is not a public car park. Officers noted during recent site visits that several cars were parked in this area but that, in principle, the applicant could close this area to parking in the future.
- 2.5 Also under the same paragraph, the access off Cot Farm Circle is noted in the officer report as 4.8m wide. This has been enlarged to 5.2m wide in the most recent layout drawing and in response to discussions with the Head of Streetscene and City Services (highways).
- 2.6 Paragraph 7.34 confirms provision of 2m wide footways on one or both sides of the carriageway proposed to link Cot Farm Walk with Hendre Farm Drive. The applicant has confirmed that these pathways will be between 1.8 and 2m wide to match pathways in the wider area which are generally 1.8m wide. No objections have been raised by highways in relation to this matter.
- 2.7 At paragraph 7.35 of the officer report, an analysis of parking is provided along with a table breaking down the parking requirements for the development. It is noted that the text and table are not consistent as the text refers to an SPG requirement of 49 resident spaces and 11 visitor spaces but the table confirms 49 spaces overall (both resident and visitor). Also the text confirms a total provision of 65 spaces as part of this application but there is actually 63 spaces on the most recently received site layout drawing. Officers confirm that the table is accurate and the development generates a need for 49 parking spaces having considered the appropriate reduction for the sustainability test and the demolition of existing units. For clarity, the parking reduction allowed by the sustainability test is 1 space per unit with each unit providing a minimum of 1 space. This is reflected in the table included in the officer report. This matter is also referred to by the Head of Streetscene

and City Services in his comments reported above. He suggests that on street unallocated spaces should be excluded from the parking assessment as these are clearly spaces in use already by existing residents. Doing this, results in 50 spaces serving the development (the other 13 excluded as on street in areas where parking already occurs by existing residents). Bearing in mind the comments above and that the development requires 49 spaces (resident and visitor) to serve it in accordance with the adopted SPG, the parking proposed is acceptable and the Head of Streetscene and City Services has confirmed this. It has also been confirmed that although the 13 spaces are excluded from the parking count they are shown as being set off the carriageway on highway verges, thereby not resulting the current narrowing of the highway that results from on street parking. The Head of Streetscene and City Services considered this to be of benefit to the free flow of traffic. The table in the officer report is reproduced below with an additional table to clarify the above point:

The parking break-down
Proposed

Dwelling Type	No.	Maximum Provision	Sustainability reduction	Sustainability adjustment
1 Bed	11	11	N/A	11
2 Bed	37	74	37	37
3 Bed	8	24	8	16
Visitor	1 space per 5 dwellings	11	N/A	11
Total	56	120	45	75

Existing

Dwelling Type	No.	Maximum Provision	Sustainability reduction	Sustainability adjustment
3 bed maisonettes	12	36	12	24
Visitor	1 space per 5 dwellings	2	N/A	2
Total	12	38	12	26

Proposed vs Existing

Total parking required in accordance with SPG(A)	Total existing parking demand removed by demolition of existing units (B)	A - B	Parking proposed as part of this application (including on street unallocated spaces)	Parking proposed as part of this application (excluding on street unallocated spaces)
75	26	49	63 (i.e. >49)	50 (i.e. >49)

- 2.8 The Head of Streetscene and City Services maintains concerns regarding increased vehicular use of Cot Farm Close and the effect of this on highway safety. The recently submitted parking assessment does not address this point. Cot Farm Close is a residential cul-de-sac with existing residents reliant upon the highway for parking. Site visits by officers have confirmed that parking occurs within the turning head (highlighted in blue pen on the aerial photo below) but does not, at present, cause any major highway safety issues due to the low intensity of traffic using the highway. Additional vehicles using the highway coupled with a potential for additional parking on the highway may give rise to vehicles being unable to turn on the highway and being forced to undertake reversing manoeuvres along its length. The comments of the Head of Streetscene and City Services are noted and this is an understandable concern. However, off road parking will be provided along Cot Farm Close to serve the new houses that will face this highway. No objections have been raised in respect of the number of parking spaces provided. Furthermore, as there is an existing road block (highlighted in black pen on the aerial photo below) at the junction of Cot Farm Close and Cot Farm Walk, vehicles associated with the majority of units on site

will likely access via Hendre Farm Drive, Cot Farm Circle and Cot Farm Walk rather than Cot Farm Close. Only units served by the parking off the Close will likely travel this route (i.e. the route marked in red pen on the aerial photo below). Vehicles parking in the proposed spaces off Cot Farm Close will egress westward (not eastward to the turning circle) and no objections have been raised by highways in relation to the accessibility of these spaces or their overall safety. Whilst there may be times when parking within the turning circle is at a peak and visitors or residents are unable to access spaces off road and must therefore reverse along the highway, the frequency of this is likely to be limited in practice and not of demonstrable harm.



3. OFFICER RECOMMENDATION

- 3.1 That the above corrections and amendments to the published report along with the late representations received are noted and that the application is granted subject to the conditions stated in the officer report.

APPLICATION DETAILS

No:2 **17/0909** **Ward:** **MALPAS**

Type: **FULL**

Expiry Date: **12-JAN-2018**

Applicant: **R BEARCROFT, MALPAS COURT PRIMARY SCHOOL**

Site: **MALPAS COURT JUNIOR AND INFANT SCHOOL, WHITTLE DRIVE, NEWPORT, NP20 6NS**

Proposal: **ERECTION OF EXTERNAL CANOPY**

Recommendation: **GRANTED WITH CONDITIONS**

1. INTRODUCTION

- 1.1 This application seeks planning permission for the erection of an external timber canopy at Malpas Court Junior and Infant School, Whittle Drive, Malpas, Newport. The proposed canopy would be sited on the south-eastern elevation of the building facing Whittle Drive.
- 1.2 The application is brought before Planning Committee as it relates to a Council owned property.

2. RELEVANT SITE HISTORY

11/1297	EXTERNAL CANOPY FOR OUTDOOR PLAY	Granted
10/0218	ERECTION OF 2NO FLAGS	Granted
09/1169	ERECTION OF EXTERNAL CANOPY FOR OUTDOOR PLAY	Granted

3. POLICY CONTEXT

- 3.1 *Newport Local Development Plan 2011-2026 (Adopted January 2015)*
Policy GP2 (General Development Principles – General Amenity) states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
Policy GP6 (General Development Principles – Quality of Design) states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

4. CONSULTATIONS

- 4.1 No external consultation was undertaken.

5. INTERNAL COUNCIL ADVICE

- 5.1 No internal Council advice was sought.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties that share a common boundary with the application site were consulted (13No properties) and a site notice displayed. No representations were received.

7. ASSESSMENT

- 7.1 The building in question is primarily of a single storey scale with a flat roof, and has been subject to other canopy extensions, as detailed in the site history above, as well as the erection of various curtilage buildings, such as bin and cycle stores. The proposed canopy

would be of a lean-to design and be constructed of timber with a polycarbonate roof. It would be 9.5m in width, protrude 4m from the elevation and reach a height of 2.4m at the eaves and 3.55m at its highest point. It would sit adjacent to the elevation, and just below the level of its existing flat roof.

- 7.2 It is considered that the proposed canopy, by virtue of size, design and location would relate sympathetically to its surroundings and would not be a prominent or incongruous addition to the building. Given its single storey scale and distance from neighbouring properties, it is not considered that it would have a detrimental impact on local residential amenity by way of overbearing impact, loss of light or loss of privacy.

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 policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015), it is considered that the proposed canopy would be acceptable in terms of its size, design and impact on local visual and residential amenity. As such, it is 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-DR-A-(00)-002 P1.

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: NPS-DR-A-(00)-001 P1 and Site Location Plan.

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

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

APPLICATION DETAILS

No:3 **17/0979** **Ward:** **LLISWERRY**

Type: **FULL**

Expiry Date: **12-JAN-2018**

Applicant: **B BROWN**

Site: **37, DORSET CRESCENT, NEWPORT, NP19 4QJ**

Proposal: **PROPOSED TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION**

Recommendation: **GRANTED WITH CONDITIONS**

1. INTRODUCTION

- 1.1 This application seeks planning permission for the erection of a two storey side extension and single storey rear extension with amendments to the parking layout at 37 Dorset Crescent in the Lliswerry ward. The application has been called to Planning Committee by Councillor Morris in order to assess the impact on the neighbouring property at no.35 Dorset Crescent.
- 1.2 The application property is a three bed semi-detached dwelling that is located within a residential area predominantly characterised by a mixed of semi-detached and detached properties. The property itself has a curtilage comprised of front garden with parking area and relatively small rear garden that narrows towards the rear boundary. The property adjoins no.39 Dorset Crescent to the south and no. 35 to the north east.

2. RELEVANT SITE HISTORY

- 2.1 None.

3. POLICY CONTEXT

- 3.1 ***Newport Local Development Plan 2011- 2026 (Adopted January 2015) –***
- GP2 General Development Principles – General Amenity: There is to be no significant adverse effect on the amenity of the existing or new community.
 - GP4 General Development Principles – Highways and Accessibility: The proposal must not detrimentally affect the highway capacity. There must be adequate public access and any new roads must be compliant with the Councils design scheme.
 - GP6 General Development Principles – Quality of Design: All new development must ensure that they are to achieve good quality design. This is ensuring that the proposal creates a safe, accessible and attractive environment taking into account the context, scale and materials of the design.
 - T4 Parking: This policy requires adequate level of parking to ensure there is no detrimental impact on the new site or existing community.

4. CONSULTATIONS

- 4.1 None.

5. INTERNAL COUNCIL ADVICE

- 5.1 **HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS):** 3 off street parking spaces can currently be accommodated which satisfies the requirements of the Newport City Council parking Standards. This level of off street parking should be retained at the property and any reduction in

the parking requirement can only be considered following submission of a sustainability assessment as shown in appendix 5 of the parking standards.

Unless it can be demonstrated that parking can be provided in accordance with the Newport City Council parking standards I must oppose the application.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties that share a common boundary with and are opposite to the application site were consulted (6no. properties) and 1no. objection has been received from 35 Dorset Crescent raising the following objection;

- The proposed building will cast a shadow to the side elevation of no.35 resulting in loss of natural daylight to kitchen and landing area and the side garden.

6.2 COUNCILLOR MORRIS: Has requested that the application is heard at planning committee in order to assess the impact on the neighbouring property at no.35 Dorset Crescent.

7. ASSESSMENT

7.1 The proposal is to erect a two storey side extension in the north facing side elevation of the property and a single storey rear extension to the eastern facing rear. The side extension would accommodate a family room and utility room at ground floor level and 2no. bedrooms at first floor level. The single storey rear extension would facilitate a w/c and extension of the existing kitchen and dining room.

7.2 The side extension has been reduced in width from the original submission to 2.7 metres and will have a total depth of 7.0 metres, with a height of 4.8 metres to eaves and 6.4 metres to the roof ridge. There will be a gap of 2.2 metres to the intervening boundary with no.35 at the front of the extension however due to the nature of the site it will abut the boundary at the rear. The extension will be set back 0.7 metres from the principal elevation of the host property and will be set down 0.35 metres from the roof ridge. Fenestration will consist of 1no. double window at ground and first floor in the front elevation, 1no. double window at ground floor in the side elevation and 2no. double windows in the first floor rear elevation. The front elevation of the extension will be rendered to match the existing front elevation and the side and rear elevation will be facing brick to match the existing materials in these elevations.

7.3 The single storey rear extension will replace the existing single storey flat roof extension and will extend 7.12 metres across the width of the existing house and the majority of the two storey side extension. It will have a depth of 3.15 metres and a lean to roof with height of 2.23 metres to eaves and 3.5 metres to where it adjoins the rear elevation of the house. Materials will consist of rendered external walls and concrete roof tiles to match existing. Fenestration will consist of 2no. windows and patio doors in the rear facing elevation and 3no. rooflights, there will be no windows in either of the side facing elevations.

7.4 Policy GP2 (General Amenity) and GP6 (Quality of Design) of the Newport Local Development Plan 2011-2026 (adopted January 2015) are relevant to the determination of this planning application, as is the "Householder Extensions and Domestic Outbuildings" Supplementary Planning Guidance (adopted August 2015).

7.5 The two storey side extension and single storey rear extension would project towards the northern intervening boundary with no.35 Dorset Crescent and as such whilst it is anticipated that there may be some impact caused that is different to the existing situation it is important to ensure that this is not harmful to the amenity of no.35. The occupier of no.35 has objected to the planning application on the basis that the proposal would cast a shadow over the property resulting in loss of natural light received by the kitchen and landing. The south facing side elevation of no.35 comprises of an access door, small low level obscure glazed window and a first floor window that appears to serve a landing area. There is also a detached garage located

between the proposed extension and the side elevation of no.35. The windows in this elevation are not protected as they do not serve habitable rooms and as such the two storey side extension is not considered to cause any demonstrable impact on the amenity of the windows in this side elevation. The two storey side extension will be flush with the rear elevation of the host property and will not extend beyond the rear building line of no.35 and as such is not considered to cause any detrimental impact on the rear elevation of this property either. The proposed single storey rear extension will project towards the intervening boundary of the two properties however no.35 has its own single storey rear extension which has a blank side elevation facing the proposed single storey extension. The proposed single storey extension will have the same depth as the previous extension and this will not project further than no.35's extension. Therefore the horizontal and vertical splays do not intersect with the proposal and there is considered to be no harmful impact on the amenity of this property in relation to the rear elevation. In the side facing elevation of the two storey extension 1no. window is proposed at ground floor level and will serve the utility room. This window is located 0.7 metres off the boundary with no.35 and in order to protect the privacy of this property it will be conditioned that this window is obscure glazed. The 2no. first floor windows in the rear elevation will serve a bedroom and w/c. The nearest window to the boundary with no.35 will serve the bedroom and due to the orientation of the site will face towards the rear garden of no.35. This window will be closer to the boundary than existing however the extension that projects from the rear of no.35 will protect views towards the immediate rear elevation of no.35 and any views are more likely to extend towards the rear of the garden. Due to the orientation of the properties there is a significant amount of mutual overlooking between properties and this is not considered to be worsened by the proposal.

- 7.6 No.39 adjoins the site to the south and whilst the two storey side extension would bear no impact on this property the single storey rear may have the potential to. The single storey rear extension would adjoin the boundary with this property however there is an intervening wall approximately 1.8 metres in height and no.39 has an existing single storey extension of similar scale of its own. As such neither of the horizontal or vertical splays taken from the rear window of this extension would intersect the proposed extension and subsequently there is not considered to be any demonstrable impact on the amenity of this property caused by the proposal. There are no windows that are considered to cause any overlooking or loss of privacy towards this property either.
- 7.7 Overall the proposal is considered to be compliant with the aims of Policy GP2 of the Newport Local Development Plan 2011-2026 (adopted January 2015).
- 7.8 The adopted '*House Extensions and Domestic Outbuildings 2015*' SPG recommends that side extensions should be set in at least 1.0 metre from the side boundary of the property and should relate sympathetically to the host property in order to maintain the visual amenity and sense of space at street level. In the originally submitted plans the two storey side extension extended a width of 3.4 metres and maintained a gap of 1.5 metres to the side boundary. The width of the extension was approximately 60% of the existing house and it is considered that given the limited set back and set down this is not proportionate to the host property and would not be a subservient addition. As such amended plans have been submitted reducing the width to 2.7 metres and increasing the gap from the boundary to 2.2 metres at the front of the extension. The SPG states that the extension should be set back 1.0 metre from the original front elevation of the existing building and set down from the roof ridge. The extension is set back 0.7 metres from the bay window, which is considered to constitute the original front elevation and is set down 0.35 metres from the roof ridge. Whilst this doesn't strictly conform to the guidance, given the reduced width it is considered that the side extension is a proportionate addition to the property. There are also other examples of extensions of similar design and scale within the surrounding area with a comparable set back and set down and as such it is considered that the proposal is an appropriate addition to the street scape and is acceptable. In terms of its design the fenestration is considered to be comparable in size and design with the existing and the external materials proposed match the host dwelling. The single storey rear extension is considered to be of proportionate scale and design, the materials are considered acceptable and would not be visible from the public realm. Overall it is considered that the proposal complies with the aims of Policy

GP6 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the adopted '*House Extensions and Domestic Outbuildings 2015*' SPG.

- 7.9 The existing parking provision at the property is in accordance with the "Parking Standards 2015" SPG and the proposed side extension would remove 1no. parking space. On consultation The Head of Streetscene and City Services (Highways) has stated that this space would need to be accommodated elsewhere on site. As such an amended plan has been submitted showing that 3no. parking spaces can be provided in accordance with the "Parking Standards 2015" SPG and the proposal complies with Policy GP4 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

8. OTHER CONSIDERATIONS

8.1 *Crime and Disorder Act 1998*

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

8.2 *Equality Act 2010*

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

8.3 Having due regard to advancing equality involves:

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

- 8.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

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

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

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

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

9. CONCLUSION

- 9.1 The proposed revised two storey side extension, single storey rear extension and parking arrangements by reasons of the location, scale and design would preserve visual amenities,

access to daylight and privacy to neighbouring occupiers and would preserve the character and appearance of the property and the street scene.

9.2 The proposal is therefore in accordance with policies GP2, GP4 and GP6 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the adopted House Extensions and Domestic Outbuildings and Parking Standards 2015 SPG.

9.3 Therefore, planning permission 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: Drawing No. PL01 – Existing and Proposed Drawings Rev B; Drawing No. PL03 – Proposed Site Plan and Parking Rev A; .

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 Prior to the first beneficial occupation of the two storey side extension hereby approved the amended parking layout shall be fully installed in accordance with approved plan no: 'Drawing No. PL03 – Proposed Site Plan & Parking Arrangements Rev A' and shall be retained in that state and kept available for the parking of vehicles thereafter.

Reason: To ensure that adequate off-street parking provision is available.

03 Prior to the first beneficial occupation of the two storey side extension hereby approved the ground floor window located in the north facing side elevation of the two storey side extension shall be obscure glazed and shall be retained in that state.

Reason: To protect privacy to adjoining occupiers.

General conditions

04 The two storey side extension and single storey rear extension hereby approved shall be constructed using materials to match the external appearance of the main house and shall be retained in that state thereafter.

Reason: To ensure development that is compatible with its surroundings.

05 No windows or doors shall be installed into the north facing side elevation of the two storey side extension or the north and south facing side elevation of the single storey rear extension hereby approved.

Reason: To protect privacy to adjoining occupiers.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Drawing No. OS-01 – Site Location Plan; Drawing No. PL01 – Existing and Proposed Drawings Rev B; Drawing No. PL02 – Existing Site Plan & Parking Arrangements; Drawing No. PL03 – Proposed Site Plan and Parking Rev A; Drawing No. SK_01 – Concept Design; Drawing No. SK_02 – Concept Design; Drawing No. SK_03 – Concept Design

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

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

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

APPLICATION DETAILS

No:4 **17/1025** **Ward:** **LANGSTONE**

Type: **FULL**

Expiry Date: **12-JAN-2018**

Applicant: **M FREEMAN**

Site: **DERRY LODGE, RECTORY ROAD, LLANVACHES, NEWPORT, NP26 3AY**

Proposal: **DEMOLITION OF EXISTING SINGLE STOREY SIDE EXTENSION AND GARAGE AND REMOVAL OF CHIMNEY STACK, ENLARGEMENT OF EXISTING SIDE DORMER AND ERECTION OF TWO STOREY SIDE EXTENSION WITH INTER-CONNECTING ROOF (RESUBMISSION OF PLANNING APPLICATION 17/0342)**

Recommendation: **REFUSED**

1. INTRODUCTION

- 1.1 This application seeks planning permission for the demolition of a single storey extension, garage and chimney stack and erection of a two storey side extension and expansion of an existing side dormer.
- 1.2 The dwellinghouse is a large detached property which lies within a substantial curtilage which comprises of a private driveway with front and rear gardens. For the purpose of this application, the site is located within the village boundary of Llanvaches which is located within the Langstone Ward of Newport, as defined by the Newport Local Development Plan (adopted 2015).

2. RELEVANT SITE HISTORY

17/0342	DEMOLITION OF EXISTING SINGLE STOREY SIDE EXTENSION AND GARAGE AND REMOVAL OF CHIMNEY STACK, ENLARGEMENT OF EXISTING SIDE DORMER AND ERECTION OF TWO STOREY SIDE EXTENSION WITH INTER-CONNECTING ROOF	REFUSED: 6 JULY 2017.
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3. POLICY CONTEXT

- 3.1 Policies GP2 (General Amenity), GP6 (Quality of Design) of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the '*House Extensions and Domestic Outbuildings*' Supplementary Planning Guidance are relevant to the determination of this application.
- 3.2 GP2 General Development Principles – General Amenity. States that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
- 3.3 GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include

consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

4. CONSULTATIONS

4.1 None.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS):

I'm satisfied that sufficient off street parking is available and would therefore offer no objection to the application.

6. REPRESENTATIONS

6.1 NEIGHBOURS: Common boundary properties were consulted (4 addresses) and no comments were received.

6.2 COUNCILLORS: Councillor Routley has offered his support for this application on the basis that the development would be inkeeping with surrounding properties. Therefore, a request has been made that if this planning application is recommended for refusal, then the application shall be determined at the next Committee Hearing.

6.3 LANGSTONE COMMUNITY COUNCIL: No response.

7. ASSESSMENT

7.1 This application seeks planning permission for the erection of a two storey side extension which would measure 7.00 metres in width, 14.00 metres in depth and would have a height to the eaves of 2.7 metres and 6.5 metres to the ridge of the roof. The two storey side extension would replace an existing garage, increasing the width of the dwellinghouse by 1.00 metre and the depth by 3.20 metres, the current height of the flat roof garage is 3.00 metres. The existing dormer located within the dwellinghouse would be enlarged in order to extend into the new two storey side extension and a chimney stack would be removed from the centre of the property to accommodate the proposed development.

7.2 The external walls of the extension would be finished in dark timber cladding and white, smooth render. In terms of fenestration, a triple window is proposed to be installed on the principle elevation to match that of the window located on the existing principle elevation of the dwellinghouse. The front door which is currently viewable from the side elevation of the property would be relocated to the principle elevation and would be located within the proposed extension. On the west facing, side elevation a two pane window is proposed to be removed and replaced with french doors. On the east facing, side elevation no windows on the ground floor are proposed and five Velux windows are proposed on the first floor of the property. The Velux windows would measure 0.80 metres in width and 0.70 metres in height and are proposed to be positioned 1.50 metres in height from the eaves of the extension. The Velux windows would be installed to serve bedrooms, a study and a bathroom. The windows are not proposed to be obscure glazed or non-opening.

7.3 The property as it stands is 3.50 metres away from the neighbouring dwellinghouse; Adeney, with the footprint of the existing garage being approximately 1.50 metres from the boundary. This proposal seeks to demolish the existing single storey flat roof garage and increase the width of the dwellinghouse by 1.00 metre and therefore the distance between the application site and the boundary would be reduced to approximately 0.50 metres. The scale and height of the extension within close proximity to the intervening boundary would introduce a prominent and large addition to the property and combined with the difference in ground levels between properties and

increased forward projection of the new extension compared to existing will close the gap between the site and its neighbour and introduce a large extension forward of the front building line of Adeney. The set forward will be marginal and would not have a significant or demonstrable effect on light to the front of Adeney.

- 7.4 Supplementary Planning Guidance “House Extensions and Domestic Outbuildings” states that a two storey side extension (or first-floor side extension above an existing ground-floor section, such as this proposal) should be set back at least one metre from the original front elevation of the existing building. It is also desirable that the side extension has a set down from the original roof ridge of the host dwelling to ensure that the extension is subservient to the main dwelling house. The proposed side extension is set back from the principal elevation by 2.80 metres (compared to 5.10 metre set back existing) and the two storey side extension is proposed to be set down from the existing roof ridge on the principle elevation by 0.30 metres. Whilst the extension is slightly set down from the roof ridge, this minimal set down is barely discernible and due to the overall mass of the proposed extension, this small set down of 0.30 metres does not mitigate the dominance of the addition to the side of the property or make it appear subservient in design terms. As such it is not considered that the proposed extension is in accordance with the requirements of Policy GP6 (Quality of Design) of the Newport Local Development Plan 2011-2026 (Adopted January 2015) or Supplementary Planning Guidance ‘Householder Extensions and Domestic Outbuildings’.
- 7.5 The large forward gable of comparable size to the existing appears awkward and unduly large in a street scene of similar properties, some of which have extended to the side in an acceptable and sympathetic manner. In a very pleasant setting the side extension is unduly dominant, closes the gap between the site and its neighbour and removes a key characteristic of this rural streetscape. The scale, mass and height of the extension within close proximity to the intervening boundary would introduce a prominent addition to the property and would not appear subservient to the host dwelling. The impact on visual amenity is increased due to the fact that the location of the application site is forward of the neighbouring property and located within a street scene which consists of a sloping gradient in an easterly direction. There is a pleasant streetscape along Rectory Road, whereby the distance between the detached dwellings is consistent and allowing this development would be detrimental to the pleasant amenity and uniform spacing between properties. If allowed, this would set an undesirable precedent for similar extensions that would further erode the qualities and visual amenity of the immediate area. Attempts to negotiate an acceptable subservient design comparable to others visible in the area have been unsuccessful. Officers tried to negotiate a revised scheme following refusal of the first application however it is noted that no changes have been made to the scheme in this submission.
- 7.6 The proposed Velux windows are proposed to be located on the east facing; side elevation of the two storey side extension and would not be obscure glazed or fixed shut. This would result in overlooking towards Adeney which has a small dormer located on the first floor and a ground floor window on the facing side elevation. On assessment, both the windows serve a bathroom and therefore are not considered to be habitable rooms which require an assessment on the impact on light or privacy. One of the proposed windows (the rear most Velux) would create increased overlooking to the garden of Adeney to the detriment of the neighbouring dwellinghouse. However, as this is one of two Velux windows and a rear window serving a bedroom, a condition could require it to be fixed shut and obscured if the scheme was considered acceptable in all other respects.

- 7.7 It has been noted similar side extensions have taken place within the immediate area. Irrespective of the date of these and relevant policy/guidance at the time, these nearby extensions to comparable design dwellings display front dormers, a feature recommended to the applicant to overcome officer design objections. None display the large forward gable proposed here and which officers consider poses significant design concerns. The enlargement of the side dormer raises no concerns and is considered acceptable subject to the window being obscured and no larger than existing.

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 two storey side extension by reasons of scale, design and location would result in an unduly dominant and unsympathetic addition to the property to the detriment of visual amenity within the wider streetscape along Rectory Road that has a very pleasant visual amenity overall. Therefore, the proposed extension is contrary to Policies GP2 and GP6 of the Newport Local Development Plan (adopted 2015) and SPG "House Extensions and Domestic Outbuildings".

10. RECOMMENDATION

REFUSED

01 The development by reason of its size, location and design would represent an unduly dominant and unsympathetic addition to the property filling the gap between Derry Lodge and Adeney to the detriment of visual amenity and the very pleasant rural character and amenity along Rectory Road, contrary to Policy GP2 and Policy GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Proposed Floor Plans, Drawing No. 3, (Received 31 October 2017), Proposed Elevations, Drawing No. 4 (Received 31 October 2017), Site Location Plan, Drawing No 5, (Received 31 October 2017), Site Plan, Drawing Reference 6, (Received 31 October 2017).

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

03 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.



Report

Planning Committee

Part 1

Date: 10th January 2018

Item No: Insert item number here

Subject **Appeal Decisions**

Purpose To inform Members of the outcome of recent appeals

Author **Head of Regeneration, Investment and Housing**

Ward Malpas

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

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

Action by Planning Committee

Timetable Not applicable

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

Background

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

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

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

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

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

Financial Summary

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

Risks

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

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

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

Mitigation measures to reduce risk are detailed in the table below. The probability of these risks occurring is considered to be low due to the mitigation measures, however the costs associated with a public inquiry can be very significant. These are infrequent, so the impact is considered to be medium.

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

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

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

Options Available

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

Preferred Option and Why

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

Comments of Chief Financial Officer

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

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

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

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

Comments of Monitoring Officer

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

Staffing Implications: Comments of Head of People and Business Change

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

Local issues

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

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

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

Children and Families (Wales) Measure

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

Consultation

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

Background Papers

Not applicable

Dated: 10th January 2018

PLANNING APPLICATION APPEAL

APPEAL REF:	17/0198
APPEAL TYPE:	Written Representations
WARD:	Malpas
SITE:	Land adjacent to 2 Magnolia Close, Malpas, Newport, NP20 6JS
SUBJECT:	Erection of 1No detached two bedroom dwelling with garage and associated parking
APPELLANT:	Mr Adrian Smith
PLANNING INSPECTOR:	Ms P J Davies
DATE OF COUNCIL'S DECISION:	21/11/2017
OFFICER RECOMMENDATION:	Granted with conditions
COMMITTEE/DELEGATED:	Committee



SUMMARY

The appeal sought the erection of a detached two bedroom dwelling with garage and associated parking. Planning committee had determined to refuse permission contrary to officer recommendation. The Inspector considered the main issues in the determination of the appeal to be the effect of the proposal on the character and appearance of the surrounding area and residents' living conditions.

The appeal site is situated on the corner of Magnolia Close and Rowan Way. Houses near this junction along Rowan Way are set back allowing for pockets of grass verges and open landscaped areas to feature along its length which makes a significant contribution to the qualities of the areas context.

Properties further along Rowan Way are positioned relatively close to the road, however, these are some distance from the site and form their own distinct linear group. Nevertheless, whilst the proposal would follow the external finishes and general appearance of housing nearby, its siting would result in an irregular intrusion beyond the established development pattern, resulting in a prominent and discordant feature that would fail to respect the layout of the street pattern. The proposed landscaping would not be sufficient to offset the height and bulk of the proposal or its unsatisfactory siting and relationship with the immediate setting.

The proposal would therefore be harmful to the character and appearance of the surrounding area contrary to Policy GP2(ii) of the Newport Local Development Plan.

The total available outdoor amenity space does not fall significantly short of that required in the New Dwelling Supplementary Planning Guidance (SPG). The space is functional and is therefore considered proportionate to the scale of the proposed dwelling. The proposed dwelling would be set back from the side elevation of No2 Magnolia Close beyond a single storey garage. As such, there would be some loss of natural daylight to the side windows of No2, but this would not be significant given the orientation of other windows to the rooms affected. As such, the proposal would not be considered to have a significant overbearing effect on the occupiers of No2.

The proposal would therefore comply with Policies GP2 (i & v) and H6 and the New Dwelling SPG.

Whilst it was found the proposal would have no material harm to resident's living conditions, the harm to the character and appearance of the area is an overriding consideration. For this reason, the appeal is dismissed.

DECISION: DISMISSED