

Agenda



Planning Site Sub-Committee

Date: Thursday, 15 February 2018

Time: 12.00 pm

Venue: Committee Room 1 - Civic Centre

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

Item		Wards Affected
1	<u>Agenda - WELSH</u> (Pages 3 - 4)	
2	<u>Apologies for Absence</u>	
3	<u>Planning Committee Code of Practice</u> (Pages 5 - 20)	
4	<u>Development Management: Planning Application Schedule</u> (Pages 21 - 52)	Gaer

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Agenda

Ymweliad Safle Pwyllgor Cynllunio

Dyddiad: 15 Chwefror 2018

Amser: Gadael Mynedfa'r Ganolfan Ddinesig am **11am** ar gyfer Archwiliad y Safle

Lleoliad: A ddilynir gan gyfarfod Pwyllgor Cynllunio drefnwyd am **12 pm yn Ystafell Bwyllgoara 1, Canalfan Ddinesig**

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

Rhan 1

Eitem

Wardiau Dan Sylw

1. Agenda Cym
2. Ymddiheuriadau dros Absenoldeb
3. Cod Ymarfer Pwyllgor Cynllunio
4. Rheoli Datblygu: Rhaglen Ceisiadau Cynllunio Gaer

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PLANNING COMMITTEE CODE OF PRACTICE

“Everything you need to know about
Planning Committee”

(Updated December 2016)

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1. Introduction

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

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

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

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

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

2. General Roles, Responsibilities and Conduct

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

Members of Planning Committee

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

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

2.4 Three Members of the Committee constitute a Quorum.

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

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

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

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

Planning Committee Members shall:-

2.8 For and in meetings:-

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

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

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

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

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

Non Planning Committee Members of the Council

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

Who Can Speak

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

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

3. Planning Committee Meetings

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

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

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

The deadline to register for public speaking is 9.00 a.m. on the Wednesday preceding the Planning Committee meeting on the following Wednesday.

Webcasting / Broadcasting of Meetings

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

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

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

Content of Ward Councillor Speeches

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

These include:-

Relevant national and local planning policies;

Appearance and character of the development, layout and density;

Traffic generation, highway safety and parking/servicing;

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

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

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

Late Representations

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

Officers

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

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

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

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

4. Administrative Arrangements

Planning Application Notification

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

Meetings with Applicants and Objectors

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

Determination Process

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

5. Pre-Application Discussion and Enforcement Discussions

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

All Officers taking part in such discussions shall:-

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

6. Lobbying of Members of the Planning Committee

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

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

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

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

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

7.1 Any application

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

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

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

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

8. Planning Applications Submitted by the Council

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

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

Officers' Reports to the Planning Committee

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

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

9. Conduct and Procedure of Planning Committee Meetings

9.1 Broadcasting / Webcasting:

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

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

9.2 Consideration of Planning Applications:-

Planning applications will be considered in the following structure:

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

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

c) Public speaking:

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

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

- Objector (5 minutes)
- Supporter (5 minutes)
- Applicant or their agent (5 minutes)

d) The Planning Officer will respond as necessary.

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

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

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

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

10. Conduct

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

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

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

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

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

11. Procedure

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

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

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

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

12. Site Inspections

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

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

12.3 A site visit by the full Planning Committee may be undertaken in lieu of the Planning Site Sub-Committee if the scale or sensitivity of the development merits such consideration. The decision to undertake a full Planning Committee visit lies with the Committee. Where a full Planning Committee visit takes place, except in exceptional circumstances, the application will be determined at an extra Planning Committee meeting called immediately following the site visit.

This meeting will be a public meeting and the relevant Public Speaking Protocol and Member Speaking Protocol will operate.

12.4 Where an application is deferred then public speakers will not be heard on the second occasion the application is before Members subject to the Chair's discretion in exceptional circumstances to allow such speakers.

Purpose of Site Inspections

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

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

Requests for Site Inspections

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

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

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

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

Attendance at Planning Site Sub-Committee Meeting

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

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

Representations at Planning Site Sub-Committee Visits

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

Procedures

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

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

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

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

12.13 Following the site visit, the Planning Site Sub-Committee will return to the Civic Centre to discuss their findings and determine the application (as set out in paragraph 12.4 above). This is a public meeting. At this meeting, there will be a brief formal presentation by Officers focusing on the site visit issues. The Sub-Committee could limit their debate to the issues considered at the site visit. However, Members will be free to debate the full range of planning issues relating to the application if necessary.

The Public Speaking Protocol will **not** operate at this meeting. However, it will be appropriate to allow Ward Members to address the Sub-Committee prior to it making its decision, at the Chairperson's discretion.

13. Planning Committee Decisions Contrary to Officer Recommendation

13.1 From time to time the Committee will disagree with professional advice given by the Officers and may decide to determine an application contrary to that advice. When this occurs the Chairperson of Planning Committee will ensure that the following principles are followed:-

- Members shall clearly express the planning reasons for their decision and these will be recorded in the minutes.
- A Member proposing refusal of an application for which the Officer recommendation is approval shall state his/her reasons prior to the vote being taken.

14. Appeals against Council Decisions

14.1 Officers will organise and generally appear as witnesses at planning appeals and other proceedings on behalf of the Council. In some circumstances (such as where specialist evidence is required) it may be necessary to appoint Consultants to appear for the Council.

In giving evidence, Officers will present the best possible case on behalf of the Council while complying with the RTPI Code of Professional Conduct. This Code requires that Planning Officers who are members of the Institute do not make statements purporting to be their own, but which are contrary to their *bona fide* professional opinion.

14.2 Members can have an important role to play in appeals and may, within set deadlines, make written representations to the Inspector and may also appear at informal hearings or as a witness at public local inquiries. In doing so they should state whether they are acting in their local Councillor capacity or, representing the Council's case.

14.3 Where Planning Officers are unable to defend decisions on appeal (due to requirements of the professional conduct rules of the Royal Town Planning Institute) the Planning Committee should be aware of this before the final vote is taken. In such cases, the Committee shall nominate at least two of its Members who voted contrary to the recommendations to appear at any appeal and defend the Committee's decisions, thereby presenting the Committee's reasons for its decision. The Members attending any appeal hearing should normally be the proposer and seconder of the proposal that was contrary to the Officers' recommendation. Those Members will then be required to attend any subsequent appeal hearing, and if necessary, to give evidence in support of the Council's decision.

14.4 Planning and Legal Officers will support Members attending or wishing to make representation at appeals and advise them on preparing and delivering evidence. Legal Officers will attend inquiries or assist in preparing representations when legal representation is required.

14.5 Planning decisions are decisions made by the Council. It is therefore not normally appropriate for an elected Member to support an appellant at Appeal. If Members have concerns about delegated applications, the appropriate course of action is to call the application to Planning Committee for decision.

15. Member Training

15.1 Members of Planning Committee should undertake training which, on occasions, should be offered to all Members of the Council.

15.2 Members will be offered and required to attend core (compulsory) training (normally within three months of appointment to the Committee). This training will cover planning procedures, code of conduct and other subjects determined from time to time by Officers in consultation with the Chairperson.

15.3 Attendance at training events will be recorded and published and will be monitored through the relevant Overview and Scrutiny Forum.

16. Review of Decisions

16.1 The Audit Commission's report "Building Quality" recommends that Councillors should visit a sample of implemented planning permissions to assess the quality of decisions. The purpose of such a review is not to change decisions, but to assess and improve the quality and consistency of decisions and thereby strengthen public confidence and assist in reviewing planning policy.

16.2 The Planning Committee will undertake an annual review of a sample of planning decisions made by the Committee. The review will include examples from a range of development types e.g. major residential proposals, listed building consents and enforcement cases, and, where it is considered appropriate and beneficial, include visits to sites.

16.3 The Planning Committee will consider the results of the review and decide whether it gives rise to the need for new policies, procedures and practices.

16.4 The outcome of appeals against the decisions of the Council will be reported regularly to Planning Committee. The outcome of enforcement cases and legal proceedings will also be reported regularly so that Planning Committee can review its own decision-making processes.

Background Information

The following documents are available on request:-

Planning Scheme of Delegation

Member Speaking

Public Speaking

Public Speaking at "Extra Planning Committee" Meetings

Site Sub Committee

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Report

Planning Site Sub-Committee

Part 1

Item No.

Subject Planning Application Schedule – Site Visit

Purpose To make decisions on items presented on the attached Schedule.

Author Head of Regeneration, Investment and Housing

Ward As indicated on the schedule

Summary Attached is a Planning Application Schedule, detailing an application requiring a site visit, as recommended by Planning Committee on 7th February 2018. The Planning Site Sub-Committee will visit the site, listed in the attached schedule, on 15th February 2018 in order to gain a better understanding of the proposal/case so that a decision can be made.

Proposal

1. To visit the application site detailed in the attached Schedule.
2. To make decisions in respect of the Planning Application attached.

Action by Planning Committee

Timetable Immediate

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

Protocol

1. A Planning Protocol for Planning Sub-Committee site visits was approved by Council on 08 April 2008 and amended in February 2013.
2. A Sub-Committee of the Planning Committee will be constituted for the purposes of undertaking site visits on behalf of the Planning Committee. It will be known as the Planning Site Sub-Committee.
3. The Planning Site Sub-Committee shall comprise of six named Councillors of the Planning Committee. Rules of political balance as set down in the Local Government and Housing Act 1989 will apply.
4. A site visit by the full Planning Committee may be undertaken in lieu of the Planning Site Sub-Committee if the scale or sensitivity of the development merits such consideration. The decision to undertake a full Planning Committee visit lies with that Committee.

Purpose of Site Inspections

5. Site inspections by the Planning Site Sub-Committee or full Planning Committee will be undertaken for the following purposes:
 - fact find;
 - investigate specific issues raised in any request for a site inspection;
 - investigate issues arising from the Planning Committee presentation or discussion;
 - enable the Planning Site Sub-Committee to make decisions.

Requests for Site Inspections

6. Any member of the Council may request that a planning application site be visited by the Planning Site Sub-Committee prior to the determination of that application. Such requests must be made in writing [e-mail is sufficient] to the named case officer dealing with the application or the Development Services Manager. Any such request must include specific reasons for the visit.
7. Applications subject to a request for a visit will be reported to the Planning Committee. The report will include details of the request and the reasons given. Planning Committee will decide, following a full presentation of the application, whether or not a site visits is necessary to inform the decision making process.
8. Where no request for a site visit has been made members of the Planning Committee may decide during consideration of an application that a site inspection would be beneficial. The reasons for the visit should be agreed and recorded as part of the minute of the meeting.
9. Occasionally there will be circumstances when timescales for determination will not allow site visits to be programmed in the normal way e.g. those related to telecommunications development. In such **exceptional circumstances**, at the discretion of the Chairman and Vice-Chairman of the Planning Committee, a site visit may be undertaken prior to the presentation of the matter to the Planning Committee. **As Members of the Sub-Committee will not have received a formal presentation on the application a recommendation cannot be given.** They will be able to report their findings of fact to the Planning Committee. Members should make their written request, with reasons, in the normal way. All other aspects of the protocol will apply.

Attendance at Planning Site Sub-Committee Visits

10. Attendance at Planning Site Sub-Committee visits is to be restricted as follows:

- Members of the Planning Site Sub-Committee;
- Relevant Officers;
- Ward Councillors;
- Single representative of the Community Council [if relevant];
- Applicant/Agent to allow access to the site;
- Neighbour/other Landowner [where access is required to make any assessment].

Representations at Planning Site Sub-Committee Visits

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

Background

The reports contained in this schedule assess the proposed development or the unauthorised 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.

The purpose of the attached reports and associated Officer presentation to the Committee is to allow the Planning Site Sub 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. There is no third party right of appeal against a decision.

Where formal enforcement action is taken, the recipient of the Notice has a statutory right of appeal in most cases. There is no third party right of appeal against a decision with the exception of High Hedge Remedial Notices. Appeals are normally lodged with the Planning Inspectorate at the Welsh Assembly Government. Non-compliance with a statutory Notice is a criminal offence against which prosecution proceedings may be sought. The maximum level of fine and/or sentence that can be imposed by the Courts depends upon the type of Notice issued.

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 or Planning Site Sub 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, taking enforcement action, carrying out Committee site visits 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.

In the case of Section 215 Unightly Land Notices, an appeal is lodged with Planning Inspectorate at the Welsh Assembly Government and the Council will seek to recover all its costs in relation to all such appeals.

In the case of Stop Notices, compensation can be awarded against the Council if it is demonstrated that the breach of planning control alleged has not occurred as a matter of fact, the breach is immune from enforcement action due to the passage of time, or the activities/development have already been granted planning permission.

Risks:

Four risks are identified in relating to the determination of planning applications by Planning Committee or Planning Site Sub 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.

An appeal can be lodged by any recipient of a formal Notice, with the exception of a Breach of Condition Notice. 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.

If a Stop Notice is issued, compensation can be awarded against the Council if it is demonstrated that the breach of planning control alleged has not occurred as a matter of fact, the breach is immune from enforcement action due to the passage of time, or the activities/development has already been granted planning permission. Legal advice is sought before taking such action, and a cost-benefit analysis is undertaken to fully assess the proposed course of action.

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	<p>Ensure reasons for refusal or reasons for taking enforcement action 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>Planning Committee</p> <p>Planning Committee</p> <p>Development Services Manager and Senior Legal Officer</p>
Appeal lodged against non-determination, with costs awarded against the Council	M	L	Avoid delaying the determination of applications unreasonably.	Development Services Manager
Judicial review	H	L	Ensure sound and rational	Planning

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?
successful with costs awarded against the Council			decisions are made.	Committee Development Services Manager
Compensation awarded in relation to a Stop Notice	M	L	Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.	Development Services Manager and Senior Legal Officer

* 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 Local Development Plan 2011-2026 (Adopted January

2015 unless material considerations indicate otherwise. Planning decisions are therefore based primarily on this core Council policy.

Options available

- 1) To determine applications in accordance with the Officer recommendation (with amendments to or additional conditions or reasons for refusal if appropriate);
- 2) To determine that applications be granted or refused against the Officer recommendation (in which case the Site Inspection Sub-Committee's recommendation and reasoning should be clearly minuted);

With regards to enforcement cases:

- 1) To determine that enforcement action is taken (or no further action is taken) in accordance with the Officer recommendation (with amendments to or additional requirements or reasons for taking formal action if appropriate);
- 2) To determine that a different course of action be taken to that recommended by Officers (in which case the Site Inspection Sub-Committee's recommendation and reasoning should be clearly minuted).

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.

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 2000)

PPW Technical Advice Notes (TAN):

TAN 1: Joint Housing Land Availability Studies (2006)

TAN 2: Planning and Affordable Housing (2006)

TAN 3: Simplified Planning Zones (1996)

TAN 4: Retailing and Town Centres (1996)

TAN 5: Nature Conservation and Planning (2009)

TAN 6: Planning for Sustainable Rural Communities (2010)

TAN 7: Outdoor Advertisement Control (1996)

TAN 8: Renewable Energy (2005)

TAN 10: Tree Preservation Orders (1997)

TAN 11: Noise (1997)

TAN 12: Design (2014)

TAN 13: Tourism (1997)

TAN 14: Coastal Planning (1998)

TAN 15: Development and Flood Risk (2004)

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

TAN 18: Transport (2007)

TAN 19: Telecommunications (2002)

TAN 20: Planning and the Welsh Language (2017)

TAN 21: Waste (2014)

TAN 23: Economic Development (2014)

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

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

Welsh Government Circular 016/2014 on planning conditions

LOCAL POLICY

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

Supplementary Planning Guidance (SPGs):

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 2016 are relevant to the recommendations made.

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

APPLICATION DETAILS

No: 17/0397 **Ward:** GAER

Type: FULL

Expiry Date: 27 Feb 2018

Applicant: P CINOTTI, GEMMELIS RESTAURANTS

Site: ROTHBURY HOUSE, 10, STOW PARK CIRCLE, NEWPORT, NP20 4HE

Proposal: CHANGE OF USE OF BUILDING TO 7NO. BEDROOM GUESTHOUSE, GROUND FLOOR RESTAURANT, ORANGERY SIDE EXTENSION, DEMOLITION AND REPLACEMENT OF OUTBUILDING, CAR PARKING AND LANDSCAPING

Recommendation: Granted with conditions

1. INTRODUCTION

1.1 This application was reported to Planning Committee on 7 February 2018 and it was resolved to defer the application for site inspection.

1.2 The late representation report has been incorporated into this updated site inspection report for the sake of completeness.

1.3 This application seeks full planning permission to change the use of a former nursing home to a 7 no. bedroom guesthouse, a ground floor restaurant, an orangery side extension, the demolition of outbuilding and the construction of replacement outbuildings and rear extension along with car parking and landscaping. A listed building consent application for these works is also under consideration along with a conservation area consent application for the demolition works.

1.4 The building is known as Rothbury House and is a grade II listed building. It is a large detached building in a Jacobean style which is also located within the Stow Park Conservation Area. It was built around 1880 and was historically occupied as a dwelling. It was converted to a nursing home in the late 20th century. Planning permission and listed building consent were granted in March 2013 for the conversion of the building to 7 no. residential units. These permissions are extant although they expire in March 2018. The Council are currently considering applications to extend the permissions by a further 5 years.

2. RELEVANT SITE HISTORY

08/1357	CHANGE OF USE OF PROPERTY FROM RESIDENTIAL HOME (CLASS C2) TO 10NO. RESIDENTIAL FLATS (CLASS C3) INCLUDING PART DEMOLITION AND CONSTRUCTION OF TWO STOREY REAR EXTENSION AND EXTENDED CAR PARK	Refused
09/1247	CHANGE OF USE OF PROPERTY FROM RESIDENTIAL HOME (CLASS C2) TO CREATE 7NO.RESIDENTIAL UNITS (CLASS C3) INCLUDING DEMOLITION OF REAR COACHHOUSE / WORKSHOP AND PART DEMOLITION OF SINGLE STOREY REAR ANNEXE TOGETHER WITH NEW ROOF FORM TO ANNEXE AND CONSTRUCTION OF DETACHED	Granted with conditions

	SINGLE STOREY BUILDING, WIDENING OF FRONT DRIVEWAY, ALTERATIONS TO REAR BOUNDARY WALL AND PROVISION OF NEW BIN STORES	
12/0281	LISTED BUILDING CONSENT FOR INTERNAL CHANGES AND REFURBISHMENT TO ALLOW CONVERSION TO APARTMENTS, DEMOLITION OF "LEAN-TO" TO REAR OF EAST PORCH, CONSTRUCTION OF NEW SIDE PORCH, DEMOLITION OF "COACH HOUSE / WORKSHOP", DEMOLITION OF FLAT ROOF ANNEXE AND ADDITION OF HIPPED PITCHED ROOF TO SINGLE STOREY FLAT ROOF ANNEXE	Granted with conditions
14/1243	PROPOSED CHANGE OF USE FROM NURSING HOME TO RESTAURANT WITH LETTING ROOMS TO UPPER FLOORS (NO MATERIAL ALTERATIONS)	Refused
14/1282	LISTED BUILDING CONSENT FOR PROPOSED WORK TO ROOF OF LISTED BUILDING, TO INCLUDE REPLACEMENT SLATES, BATTENS AND ROOFING FELT, CEILING INSULATION ALSO TO BE INSTALLED.	Granted
17/0398	LISTED BUILDING CONSENT FOR CHANGE OF USE OF BUILDING TO 7NO. BEDROOM GUESTHOUSE, GROUND FLOOR RESTAURANT, ORANGERY SIDE EXTENSION, DEMOLITION AND REPLACEMENT OF OUTBUILDING, CAR PARKING AND LANDSCAPING	Under consideration
17/0582	DEMOLITION OF OUTBUILDINGS IN CONNECTION WITH PROPOSED CHANGE OF USE OF ROTHBURY HOUSE TO A 7NO. BEDROOM GUESTHOUSE, LINKED RESTAURANT USE AT GROUND FLOOR LEVEL INCLUDING AN ORANGERY EXTENSION AND REPLACEMENT OUTBUILDING, CAR PARKING AND LANDSCAPING	Under consideration
17/1214	VARIATION OF STANDARD CONDITION TO EXTEND THE PERIOD OF TIME TO IMPLEMENT PLANNING PERMISSION 09/1247 (CHANGE OF USE OF PROPERTY FROM RESIDENTIAL HOME (CLASS C2) TO CREATE 7NO.RESIDENTIAL UNITS (CLASS C3) INCLUDING DEMOLITION OF REAR COACHHOUSE / WORKSHOP AND PART DEMOLITION OF SINGLE STOREY REAR ANNEXE TOGETHER WITH NEW ROOF FORM TO ANNEXE AND CONSTRUCTION OF DETACHED SINGLE STOREY BUILDING, WIDENING OF FRONT DRIVEWAY, ALTERATIONS TO REAR BOUNDARY WALL AND PROVISION OF NEW BIN STORES)	Under consideration
18/0018	VARIATION OF STANDARD CONDITION TO EXTEND THE PERIOD OF TIME TO IMPLEMENT LISTED BUILDING CONSENT 12/0281 (INTERNAL CHANGES AND REFURBISHMENT TO ALLOW CONVERSION TO APARTMENTS, DEMOLITION OF "LEAN-TO" TO REAR OF EAST PORCH, CONSTRUCTION OF NEW SIDE PORCH,	Under consideration

	DEMOLITION OF "COACH HOUSE / WORKSHOP", DEMOLITION OF FLAT ROOF ANNEXE AND ADDITION OF HIPPED PITCHED ROOF TO SINGLE STOREY FLAT ROOF ANNEXE)	
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3. POLICY CONTEXT

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

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

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

Policy **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.

Policy **GP2 (General Development Principles – General Amenity)** states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.

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

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

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

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

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

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

4. CONSULTATIONS

4.1 WESTERN POWER DISTRIBUTION: Advise of apparatus in the surrounding area.

4.2 WALES AND WEST UTILITIES: Advise of apparatus in the surrounding area.

4.3 DWR CYMRU – WELSH WATER: Recommend a condition preventing surface water from any increase in the roof area of the building/or impermeable surfaces within its curtilage to drain directly or indirectly to the public sewerage system.

4.4 STOW PARK CONSERVATION SOCIETY: No response.

4.5 STOW HILL COMMUNITIES FIRST: No response.

5. INTERNAL COUNCIL ADVICE

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

- I'm satisfied that a delivery vehicle can access and turn within the site. The maximum size of vehicle should however be conditioned to reflect the details shown in the interest of ensuring that goods are not loaded/unloaded on the highway.
- I'm satisfied that the proposed level of parking meets the requirements of the Newport City Council parking standards however the floor plan layouts should be conditioned including limiting the dining area associated with the restaurant to the orangery. The full parking area should also be available prior to first use and must be retained in perpetuity.
- The applicant has demonstrated that the access will be improved including a significant improvement in visibility and widening of the access to allow for two way vehicle movements. The access arrangement should be conditioned including restricting the height of any structures or planting within the splay to a maximum height of 600mm. The access improvements should also be implemented prior to first use.
- In addition the following conditions should be attached to any approval:
 - Suitable drainage should be employed to prevent surface water run off onto the adopted highway.
 - A CEMP must be submitted for approval including contractor parking/compound, dust suppression and wheel wash facilities.

5.2 HEAD OF STREETSCENE AND CITY SERVICES (TREE OFFICER): No objection subject to conditions requiring the erection of root protection barrier fencing, an arboricultural method statement and the appointment of an arboriculturalist.

5.3 HEAD OF LAW AND REGULATION (ENV.HEALTH): No objection subject to conditions controlling plant and equipment noise, requiring details of sound insulation measures to the floor/ceiling between the ground floor restaurant and first floor guesthouse, restricting delivery times, requiring food preparation areas to be mechanically extracted; the details of which to be first submitted and agreed; and the submission of a Construction Environmental Management Plan.

5.4 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPE):

- The planting proposals submitted have been supplied by a professional Landscape Consultancy and are suitable for the context of a listed building in a conservation area, aiming to retain a significant level of the mature boundary hedging and tree cover, in particular to the highway frontage.
- The full planning application does not include any assessment of the existing trees in relation to the proposals. There is particular concern about the impact of new car parking on the highway frontage trees which are on a bank and currently rooted into a grass lawn. Proposals to widen the entrance road and vegetation removal within the visibility splay will add further pressure.
- A professional tree survey to BS 5837 (2012) is required. Proposals for hard surfacing, level changes, vegetation clearance, and any new underground services including surface water attenuation should be clearly shown in relation to the Tree Constraints Plan. An Arboricultural Impact Assessment with follow on Method Statement and Tree Protection Plan should be provided to demonstrate the trees will be retained with appropriate protection.
- If there is a requirement to remove trees this will impact on the current landscape proposals and heritage impact statement.

5.5 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): No response.

5.6 HEAD OF STREETSCENE AND CITY SERVICES (DRAINAGE): No drainage details have been provided to demonstrate how surface water for the site will be managed. It is suggested that such details are provided to demonstrate this requirement.

5.7 HISTORIC BUILDINGS AND CONSERVATION OFFICER: The Historic Buildings and Conservation Officer has made several comments on the application and amendments have been received to address those comments. The Officers initial comments are shown in italics and the final comments, following amended plans and responses are shown in bold.

5.7.1 These applications, which relate to a grade II listed late 19th century villa located within the Stow Park Conservation Area. Given the long term vacancy of the building, I am in principle supportive of attempts to find a new use for the building which would create potential for sensitive repair and restoration works. Consent has previously been granted for conversion to flats and it seems likely that the proposed use could result in a considerably lower level of alteration to historic fabric when compared to the previously approved scheme. However, it is not entirely clear from the information submitted whether that would be the case as there is a limited amount of information regarding the alterations proposed.

5.7.2 I note local residents' concerns regarding the potential for traffic generation, noise and disturbance. I can see that an improperly managed facility might give rise to problems in this residential area, and the residential nature of Stow Park is very much an important aspect of the historic character of the conservation area. However, the building was previously used as a nursing home so I cannot object to a commercial use in principle. I am hopeful that concerns can be addressed by appropriate conditions or other relevant legislation, but would defer to your own thoughts on this.

5.7.3 The proposals are supported by a Heritage Assessment which provides a useful analysis of the history and character of the building and its sensitivity to change as well as a Design and Access Statement, but neither discusses all of the internal alterations proposed. Whilst some layout changes are clearly necessary to facilitate a new use, it is not always clear that the proposals represent the minimum required or are fully justified and, as not all surviving historic internal features are shown on the plans, it is not always clear to what extent they would be affected. It also seems clear that extensive works will be required to building fabric and finishes as a result of prolonged neglect, but it's unclear whether such work would be restricted to works or repair, or whether significant removal or replacement is proposed and, if the latter, whether this would be carried out on a like-for-like basis. Given the condition of the building, I would expect a schedule of repair and restoration works to be provided with a listed building consent application. Unfortunately we have very little detail of repair work or the way alterations would be carried out; such information is critical to the understanding of the acceptability of the proposals. A particular concern is that the requirements of fire and building regulations and the provision of new service installations will result in the need for a degree of alteration, but there is no assessment of the likely extent of works; the extensive survival of historic joinery within the building needs to be considered and it is important to understand whether features such as panelled doors can be retained.

5.7.4 Following the submission of amended plans: **the principal historic features that seemed likely to be affected are now shown. The agent has declined the opportunity to revise the submitted DAS and notes that a Heritage Impact Assessment has been provided. Whilst the Heritage Assessment provided is very helpful in assessing the impact on the building, it does not contain the analysis of design choices I would have expected within the DAS. Nevertheless, the plans have been amended and information has been provided regarding the use of part of the building for staff training. As such, it now seems possible to make assumptions on the reasons behind the proposed design choices which generally seem like a logical arrangement to provide functional reception, dining and service facilities to the ground floor and necessary sizes for hotel bedrooms above.**

5.7.5 The agent has declined to provide additional information regarding work to building fabric and there remains an absence of analysis of the extent of works for compliance with regulations or the provision of services. In the absence of this information it must be assumed that the work required is limited to that shown on the drawings or sympathetic works of repair, and that joinery elements will be repaired and/or relocated rather than replaced wherever possible. If significantly more work is required, this may necessitate a further application for listed building consent. It would however be prudent to attach conditions to any consent to require details of repair work and new services.

5.7.6 *The proposals include a large “orangery” extension to the side which would conceal a substantial amount of the original well-detailed elevations of the listed building and extend close to the edge of the plot. Given the importance of the spacious character of the area, extensions so close to plot boundaries are undesirable in principle but, the acceptability of this depends on the design quality, level of justification and the quality of the wider development that it would help to facilitate. With the level of information available this is difficult to assess, particularly as we do not seem to have any information about materials, finishes and detailing.*

5.7.7 Additional information has been provided regarding the proposed materials: **the suggested materials seem appropriate and, in the context of the revised scheme I consider the extension to be acceptable.**

5.7.8 *There is also a large flat-roofed extension to the rear and I am unconvinced that this represents an appropriate design, especially given the likely level of visibility from outside the site; an historic extension to the building was detailed with a parapet wall and such an approach would lend a more traditional character. It should be noted that there is potential to improve the appearance of previous extensions; the hipped roof element is particularly prominent and both this and some later flat-roofed extensions are crudely detailed.*

5.7.9 **A parapet wall is now proposed although the details will need to be secured by condition. Whilst the hip remains, this is an existing building element and there is no reason to require its removal.**

5.7.10 *The amended plans show the introduction of an “AOV” in place of an historic rooflight to the rear of the building, although we have no details of this. It seems likely that this is necessary to facilitate the removal of partitioning across the staircase and the removal of the external fire escape, which are very welcome proposals, but this is not clear from the application documents. It seems clear that there will need to be extensive restoration works to the exterior of the building including the potential replacement of joinery, but we have no details to consider.*

5.7.11 **The agent has clarified why the AOV is necessary. Satisfied following amended plans to correct the position of the AOV and the proposed design is appropriate.**

5.7.12 *The proposals involve the demolition of two outbuildings; the submitted Heritage Assessment acknowledges that the loss of these is regrettable as part of the historic ensemble of Rothbury House. National guidance within Welsh Government’s Technical Advice Note 24 is clear that proposals to demolish listed buildings and building within conservation areas must be assessed against the following criteria:*

- *The condition of the building, the cost of repair and maintenance in relation to its importance and the value derived from its continued use. Where a building has been deliberately neglected, less weight will be given to these costs.*
- *The efforts made to keep the building in use or to secure a new use, including the offer of the unrestricted freehold of the building for sale at a fair market price that reflects its condition and situation.*
- *The merits of the alternative proposals for the site, including whether the replacement buildings would meet the objectives of good design and whether or not there are substantial benefits for the community that would outweigh the loss resulting from demolition.*

The demolition of the smaller outbuilding appears to be proposed only to facilitate the construction of the new extension. As it has relatively limited historic value, this may be acceptable in order to facilitate an appropriately designed extension which is needed to facilitate the re-use of the building, although there is limited discussion of the need for the extension within the submitted documents and I don’t consider the design to be appropriate.

5.7.13 **The design of the smaller outbuilding has been improved, and the agent has provided some information about why the extension is needed. It is considered that the proposals are reasonably necessary to facilitate the reuse of the building. In terms of the coach house it is not entirely clear that its issues could not be resolved, however there is an extant consent which includes its demolition; the rebuilding in a similar form is welcome when compared to previous proposals.**

5.7.14 *The site plan shows that the access to the site would be widened and a large new parking area provided to the front of the site. In principle, the relocation of parking from immediately in front of the listed building would be welcome as it could potentially enhance the setting of the listed building. If sufficiently well-screened from the road and adjacent properties, a new parking area to the front of the site might not significantly impact on the character of the conservation area. However, the plans submitted suggest a dominance of tarmac surfaces when viewed from the site entrance and I'm not convinced that the landscaping scheme will adequately mitigate this. A reduction of the extent of tarmac and/or the use of alternative materials should be considered if possible.*

5.7.15 The proposals have been amended and improved. They are considered to be acceptable.

5.7.16 In summary, it is considered that the revised proposals would have a considerable lesser impact on the historic character of the listed building than the previously consented scheme for residential development. As such I would be able to support the granting of consent subject to conditions requiring details of materials and joinery for the replacement outbuilding.

5.7.17 More detailed conditions would be required with the listed building consent which are considered under application 17/0398 which will be determined under delegated powers.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties in Stow Park Circle and Stow Park Gardens were consulted, along with properties which raised an objection on the previous application. A site notice was displayed and a press notice published in South Wales Argus. 26 representations have been received, these are 4 representations of support and 22 representations of objection. The following comments are raised:

6.1.1 SUPPORT

- The building would benefit from restoration.
- There is a growing fine dining food culture in South Wales and this is an opportunity for Newport to encourage the development of a restaurant which has potential to play a significant role in this.
- Entrepreneurship is something to be supported rather than limited.
- An unoccupied and neglected building reduces the appeal of the area.
- Rothbury House has been empty for several years, there are concerns around the safety of the building, attraction of vermin and other environmental health issues.
- The proposals would would enhance the area.

6.1.2 OBJECTION

Traffic/Access:

- Increased volumes, including coaches, limousines, cars and taxis.
- Increase in parking on Stow Park Circle which already has a lot of on-street parking.
- Existing problems in the area including Stow Park Circle and Cae Perllan Road being used as a short cut, speeding, traffic travelling in an anti-clockwise direction, illicit and unsafe parking and surges in volume due to events at the Registry Office. The proposal would add to these problems.
- Inadequate visibility splays due to the speed limit of 30mph, vehicles parking on the road during registry office weddings and traffic emerging without stopping from Cae Perllan Road. Is it proposed to reduce the speed limit to 20mph, introduce no parking restrictions or for a halt sign on Cae Perllan Road?
- No visibility splays for traffic coming from the right hand side to accommodate vehicles which travel in the wrong direction.
- The access and egress of vehicles occurring at the front entrance of the property will further exacerbate the pinch-points on Stow Park Circle by the convergence of vehicles.
- There is no mention of access for commercial vehicles or any parking provision for them.

- Increase in the level of traffic and in conjunction with the level of disruption already experienced will impact upon the lives of all who live here.
- How will large delivery vehicles enter the grounds? At present it is not possible to do so. No turning circles are shown on any of the plans. Reversing out of the ground would be highly dangerous.
- Inadequate parking for 100 plus seating restaurant.

Noise:

- Increased noise and disturbance in a peaceful and residential area as a result of vehicle revving, door slamming, deliveries, staff leaving and loud voices.
- What type of extraction system is proposed and what level of noise would be emitted?
- A resident committee would be set up to monitor noise from the building day and night.

General:

- Smells and odour from cooking.
- The proposal would be contrary to the Councils own identified need for an additional 800 residences.
- The requirements to widen the access would result in a loss of residential garden fronting the property, it would be visible to passing public and place the protected Horse Chestnut on the front boundary at risk of loss.
- The proposal neither preserves or enhances the character of the Conservation Area.
- No details of signage, neon signs not appropriate in residential area.
- Existing problems with waste water and sewerage disposal resulting in odour/sewer/drain blockage complaints.
- No lighting details are provided, it might cause a nuisance.
- Liquor and music licences will surely follow.
- A substantial extension is proposed at the rear of the main house, in no way will this element appear subservient in form to neighbouring residential properties.
- The proposed extension would sit up to the perimeter boundary walls of the site and would be highly visible and obtrusive from 16 Stow Park Circle. It would be in touching distance from this property.
- There would be no gardens just a car park taking up the grounds, this would erase a beautiful, historic residential area of Newport which should be preserved for future generations.
- What type of fume extraction is planned? It is believed that a stack at least 300mm in diameter and 10-15m high would be required to stop fumes and smell permeating into the neighbouring properties. How will the stack fit into the historic building requirements?
- It is assumed that lighting would be required. How would light pollution be controlled especially if flood lighting is planned for the car park. Lighting from the orangery would also impact residents.
- The proposal is financially unsustainable. If the venture should fail then it could become a reception venue for the registry office. Associated traffic, parking and noise would be an unfair proposition to residents.
- Residential development would be more suitable.
- The real objective of the applicants is the business to be had from the registry office, in particular the wedding breakfast and receptions which often involve a multitude of guests far in excess of the sparse numbers detailed in the application.
- Specific descriptions on a plan do not in practice always end up being utilised as designated. A lounge could become a dining room.
- What are the materials of the orangery? Is it double glazed or sound proofed?
- Queries snow loading coming off the main roof area.
- Queries the designated smoking areas.
- Where existing window joinery is to be replaced would it be double glazed with sealed units or secondary glazing?
- Disabled access is not considered.
- Queries the specification of the flat roof extension next to the kitchen.

- Queries the plans for the basement and cellar areas.
- Queries energy performance issues and the lack of certification.
- The demolition of the coach house is welcomed due to structural problems and damp penetration. However, there is a lack of detail regarding the distance from no 14 and how the newly created valley would be ventilated, drained, cleared of leaves, pine needles, debris, damp penetration and snow accumulation. The rebuild needs to be repositioned eastwards to allow access to the exterior wall of the neighbouring property. Under the Party Wall Act agreement would be required.
- There are no drawings or information regarding the placement of bins and their proximity to residences.
- A restaurant in a different ownership could become a late night curry house.
- Increased surface water run-off from enlarged car park hardstanding.
- No fire escape from second floor.
- Chamber maids, night time security and reception staff are not included in the staff manifest.

Additional comments reported to the Planning Committee on 7 February 2018 as a late representation have been incorporated below:

- **None of the relevant neighbours to this property have been formally notified that this application is on the agenda for determination by the Planning Committee on 7th February 2018.**
- **Residents were notified of an extension of time relating to the same property for application 17/1214, which has caused confusion and is tantamount to a smokescreen of misunderstanding.**
- **This may amount to mal-administration by the planning department or a devious means by the applicants who seek to confuse the opponents to this development.**
- **It is formally requested that application 17/0397 is removed from the agenda, so that neighbours can be properly notified and have the opportunity to attend the relevant meeting.**
- **Aggrieved that it appears that the applicant has been given a lot of opportunity to provide information for the application and its submission has never been provided on time. It now appears that the application is being forced through by not giving residents time to prepare. It is understood that only one resident has been contacted to let them know the application will go to the committee meeting.**
- **Demand that the application be postponed to allow residents time to prepare. It is our future that this ill conceived development will destroy.**

6.2 COUNCILLOR Deborah Wilcox: I request that this application be a Planning Committee decision. I believe it is an overdevelopment of a premises within the Conservation area.

7. ASSESSMENT

7.1 The site

7.1.1 The application site includes the main house along with two other outbuildings to the rear of the site. One of these buildings is substantial in size, consisting of a part single storey/part two storey building. The building is known as the coach house and it abutts the neighbouring property (14 Stow Park Circle) along its rear elevation. It has two sets of garage doors in the front and side elevation, along with a number of windows and doors. The smaller outbuilding is a lean to structure.

7.1.2 The primary access to the site is at its front (south) with a less established access from the rear of the site. To the front of the building is an area of hardstanding, in front of which is a grassed area. There are a number of trees and shrubs along the front boundary of the site. The site as a whole is fairly unkempt due to its vacant status.

7.1.3 The eastern boundary is shared with two properties (No's 8 and 16 Stow Park Circle). There is a level difference between these properties with the application site sitting in a more elevated position. There is a retaining wall along the shared boundary with No 8 but no existing boundary treatment on top of this. As such there are un-interrupted views towards this property. There is some planting along the shared boundary with No 16 and also the side elevations of the rear annex building abutt the boundary in places. To the west No's 12 and 14 Stow Park Circle sit closely to the shared boundary and form part of the boundary. Elsewhere an existing fence and brick wall denote parts of the shared boundary.

7.2 The Proposals

7.2.1 The proposals comprise the creation of a reception, two guest lounge rooms, lobby, toilets, staff lobby, kitchen and a meeting room within the ground floor of the building. It is also proposed to construct an orangery extension to the side of the building which would accommodate 74sqm of dining space. The extension would measure 6.3m by 12.76m. It would have a maximum height 4.7m. The materials would consist of a natural stone plinth and dressed stone quoins both to match the existing building, hardwood windows and doors, a glazed roof and cast iron rainwater goods. A smaller extension would provide a link to the staff lobby and kitchen area. This would be to the rear of the orangery. It would measure 3.3m by 1.75m with a height of 3.55m. It would be finished in the same materials as the orangery.

7.2.2 To the rear of the historic part of the building is a more modern red brick addition. It is proposed to further extend this section to accommodate a storage area. It would not be uniformly rectangular and the east elevation would be angled to follow the line of the shared boundary. At its maximum width it would measure 8.3m, with a maximum depth of 5.05m and a height of 3.55m. It would have a flat roof with a parapet feature to match some of the existing parapet features in the later extension. To accommodate this extension it is proposed to demolish the existing small rear outbuilding.

7.2.3 It is also proposed to demolish the coach house building and replace it with a building with a similar footprint and dimensions except for the addition of a larger first floor which would include a small dormer window (two in total) in the roof space. All of the proposed openings would match those which exist except for a set of double doors in the ground floor south facing elevation and a door and a window in the east facing elevation. These openings are currently garage doors. The outbuilding would provide a lounge, kitchen, one bedroom and a bathroom. The applicant has stated that the building is to be used in association with the operation of the hotel/restaurant.

7.2.4 It is proposed to provide seven guest bedrooms with ensembles across the first and second floors. A number of internal alterations are proposed to accommodate these rooms. These internal proposals are being considered under the listed building consent application 17/0398. Externally it is proposed to replace an existing rooflight in the north facing roof slope with an AOV (automatic opening vent). It is also proposed to remove an existing metal fire escape which is on the eastern elevation of the building. It is proposed repair existing stonework and windows.

7.2.5 Within the grounds it is proposed to create a parking area at the front of the site which would partially replace a grassed area. It is proposed to provide 15 parking spaces in this area. In front of the building it is proposed to provide a circular driveway, with a central water feature and landscaping. Within this area it is proposed to provide a further 6 parking spaces. It is also proposed to widen the existing access at the front of the site to 4.8m in width. The applicant has provided a plan showing a visibility splay to the left hand side of the access, it is proposed to reduce the height of vegetation to a minimum of 600mm within the the splay. It is also proposed to create a small terraced area in front of the orangery and to the eastern side of the building which provides a walkway to a secondary side entrance.

7.3 Planning History

7.3.1 Planning permission and listed building consent were granted in March 2013 for the conversion of the building to create 7 residential units. The scheme involved the demolition of the coach house building and rear outbuilding; along with the construction of a detached single storey

building and widening of the front access. This permission is currently extant but is due to expire in March 2018.

7.3.2 Planning permission was refused in December 2015 for the conversion of the building to a restaurant with letting rooms on the first and second floor. This proposal did not involve any external alterations to the building and it was proposed to create a car parking area to the front of the site, along with widening of the front access and proposals to improve visibility. The application was refused for the following reasons:

1. *The applicant has failed to demonstrate that adequate access can be provided to serve the development in a manner that does not have a detrimental impact upon highway and pedestrian safety. This is contrary to Policy GP4 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).*
2. *The applicant has failed to demonstrate that car parking can be provided to serve the development in a manner that does not have a detrimental impact upon the character and appearance of the Stow Park Conservation Area and the setting of the Grade II Listed Building. This is contrary to Policies SP9, GP2, CE5 and CE7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).*
3. *The applicant has failed to demonstrate that adequate parking provision can be provided to serve the development. This is to the detriment of highway safety and is contrary to Policies GP4 and T4 of the Newport Local Development Plan 2011-2026 (Adopted January 2015) and the Newport Parking Standards Supplementary Planning Guidance (Adopted August 2015).*

7.4 Highways

7.4.1 The relevant criteria of policy GP4 states that proposals should:

- Provide appropriate access for pedestrians, cyclists and public transport;
- Be accessible by a choice of means of transport;
- Be designed to avoid or reduce transport severance, noise and air pollution;
- Make adequate provision for car parking and cycle storage;
- Provide suitable and safe access arrangements;
- Ensure that development would not be detrimental to highway or pedestrian safety or result in traffic generation exceeding the capacity of the highway network.

7.4.2 Policy T4 requires development to provide the appropriate levels of parking within defined parking zones; in accordance with adopted parking standards. The Newport Parking Standards Supplementary Planning Guidance (SPG) (August 2015) sets out parking requirements according to land use and location, it lists requirements for commercial vehicles, cars, motorcycles and cycles.

7.4.3 The application site benefits from two existing accesses which could be used by cyclists and pedestrians. Whilst there are no bus stops along Stow Park Circle it would only be a short walk (around 270m) to the nearest bus stop on Bassaleg Road or Cae Perllan Road. The application site is considered to be in a sustainable location with a choice of means of transport available.

7.4.4 The application site has an existing lawful use as a nursing home and as such it could re-open at any time. As with the previous 2014 application it is not considered that the proposed use would result in any additional harm in terms of traffic generation on the local highway network. As such it is considered that the proposal would avoid additional noise or air pollution as a result of vehicle movements.

7.4.5 Notwithstanding the above the Councils Highway Engineer considers that the existing visibility at the southern access is substandard. It is accepted that visibility cannot be improved to meet current standards however TAN 18 allows for increased use of a substandard access where the access can be significantly improved. The Highway Engineer is satisfied with the access

improvements proposed subject to no planting or structures being above the height of 600mm within the visibility splay. This can be controlled through a condition.

7.4.6 All parking associated with the use should be provided in accordance with the Parking Standards SPG and to be located solely within the boundary of the property. The following requirements are relevant to this proposal:

Type of Development	Operational	Non-operation
Hotel	1 commercial vehicle space	1 space per 3 non-residential staff & 1 space per bedroom
Restaurant	1 commercial vehicle space	1 space per 3 non-residential staff & 1 space per 7m ² of dining area

It is recognised that there will be an element of sharing of these facilities and the SPG does state that an allowance should be applied where this will be the case. The SPG also states that those facilities for non-residents should be assessed by applying the appropriate category within the standards.

7.4.7 The Highways Engineer initially requested that the applicant provide further information in terms of staff numbers and the floor area associated with dining should be shown to ensure parking provision is provided in accordance with the parking standards. The applicant has confirmed that the maximum number of staff would be 9 (3 x kitchen, 3 x serving, 2 x reception and 1 x manager). The applicant has also confirmed that the dining area would be 74 sqm. It is also recognised that some users of the restaurant will also use the hotel. On this basis; and considering the element of sharing parking spaces, the maximum parking demand generated by the use is 21 non-operational spaces. The applicant has provided these within the site. It is considered necessary to impose a condition which limits the dining area to 74 sqm to ensure that adequate parking provision is secured in perpetuity.

7.4.8 It is recognised a dedicated commercial vehicle space has not been provided however, it is considered that there is suitable space within the circular driveway to allow a commercial vehicle to park for the short periods of time required. The Highways Engineer has also requested that it is demonstrated that a delivery vehicle can turn within the site to allow for access and egress of the highway in a forward gear. The applicant has provided this information and a condition is imposed to limit the maximum size of vehicle demonstrated on the submitted plan.

7.4.9 In terms of refuse collection it is noted that a bin storage area is provided to the rear of the site. This area is close to an existing rear access which could be utilised, a condition is recommended to secure the precise details of refuse management.

7.4.10 A number of concerns have been raised regarding the existing problems associated with the operation of the registry office within Stow Park Circle, in terms of speeding traffic, illicit/hazardous parking and driving. There is concern that these activities would be increased as a result of the proposed development. It is considered that as it has been demonstrated that all parking demand can be provided within the site and suitable access can be provided then there would not be any greater impact on the local highway network than the lawful nursing home use. It would not be reasonable for the applicant to remedy the problems associated with the registry office as part of this application.

7.4.11 Concern has been raised that a visibility splay should be provided for the right hand side (west) of the access for the traffic travelling in the incorrect direction around the one way system. It is not considered reasonable to require the applicant to accommodate those road users not obeying highway direction. Furthermore the applicant does not control the land to the west and as such they could not provide a splay. It is also not considered reasonable to require the applicant to

contribute towards on-street parking restrictions or highway directions as adequate visibility has been demonstrated.

7.5 Impact of the Conservation Area

7.5.1 The application site is located within the Stow Park Conservation Area and the building is grade II listed. Policy CE5 states that listed buildings should be protected from demolition or inappropriate development. Policy SP9 states that conservation, enhancement and management will be sought in all proposals. Policy CE7 requires development to preserve or enhance the character or appearance of the Conservation Area, having regard to the Conservation Area Appraisal where appropriate. Stow Park Conservation Area does not have an appraisal.

7.5.2 The Historic Buildings and Conservation Officer supports the principle of attempting to find a new use for the building which would minimise alteration to its original fabric and create potential for sensitive repair and restoration works. It is noted that there is an extant consent for the conversion to flats, the Conservation Officer considers that the proposed use would result in a considerably lower level of alteration to the historic fabric when compared to the extant scheme.

7.5.3 The Conservation Officer notes the concerns of local residents regarding the potential for traffic generation, noise and disturbance. It is acknowledged that an improperly managed facility might give rise to problems in this residential area, and the residential nature of Stow Park is very much an important aspect of the historic character of the Conservation Area. However, as the building was previously used as a nursing home an objection in principle to another commercial use would not be reasonable. He considers that concerns over these aspects can be addressed by appropriate conditions or other relevant legislation. These matters are discussed further in this report.

7.5.4 Notwithstanding the above the Conservation Officer has required additional information and amendments to the scheme. A large number of these are matters involving internal alterations which are dealt with by the listed building consent application. Other than the use of the building the matters which are relevant to this planning application include the demolition of the outbuildings, the construction of the orangery and rear extension, the replacement of a roof light with an AOV and the car park/landscaping works.

7.5.5 In terms of the demolition of the outbuildings the Conservation Officer considers the smaller building to have limited historic value and its demolition would be acceptable providing its demolition was to facilitate the construction of a new extension which is appropriately designed and needed to facilitate the re-use of the building. The Conservation Officer was initially concerned that the proposed new extension was not appropriate nor had any explanation of why it was necessary been provided. The applicant has since amended the design of the extension to include a parapet feature and provided an appropriate explanation for why it is necessary. The Conservation Officer is now satisfied with this element.

7.5.6 In terms of the larger outbuilding (coach house) the applicant has stated that its construction is such that it will not sustain being left in its current condition nor will sustain a great deal of rebuilding to enable its retention. It has no proper foundation and is built of single-skin brick on a concrete slab. The Conservation Officer does not consider that it has been fully evidenced that its structural issues can not be resolved however, the officer recognises that there is an extant consent which includes its demolition and this proposal for rebuilding in a similar form is welcomed when compared with the extant consent. It is considered necessary to impose a condition requiring the submission of materials and joinery of the replacement building to ensure the building respects the setting of the listed building and the conservation area.

7.5.7 In terms of the orangery extension the Conservation Officer was initially concerned that there was insufficient information to properly assess the impact of the extension. The applicant has provided further information regarding the proposed materials which has satisfied the Conservation Officer.

7.5.8 In terms of the proposed AOV the Conservation Officer was initially concerned that there was no justification for the loss of the historic roof light to provide the AOV. The applicant has clarified that the existing roof light is beyond repair and is necessary to facilitate the removal of some undesirable internal partitioning and an unattractive external fire escape. The Conservation Officer is satisfied with this justification.

7.5.9 In terms of the car park the Conservation Officer welcomes the principle of relocating the parking area from immediately in front of the building to the front of the site as it could enhance the setting of the listed building. However, there was concern that there was an over dominance of tarmac surface which the landscaping scheme did not mitigate for. The applicant has amended the proposed material schedule so that the parking spaces are constructed of block paviors. This has satisfied the previous concerns.

7.5.10 Overall the Conservation Officer considers the proposals to have a lesser impact on the character of the listed building than the extant scheme. It is considered that the proposal would protect and preserve the character of the conservation area and the historic interests of the listed building.

7.6 Trees

7.6.1 There are a number of trees along the frontage of the site. The most notable trees are a Horse Chestnut and two Lime trees. In order to improve access into the site it is proposed to widen the existing driveway, these trees grow either side of the drive. The applicant has submitted a tree survey which shows that these trees, along with some smaller trees along the frontage of the site will be retained.

7.6.2 The Councils Tree Officer initially had concern that the proposed car park was close to the trees. Information was required to demonstrate that tree roots would not be affected by the provision of the parking spaces. The applicant has undertaken a number of trial pits to determine the extent of roots within the site. The pits were dug up to 16m from the trees and it was discovered that sporadic roots are located around 9m from the Horse Chestnut and 7m from a Spruce which is also close to the proposed car park. The applicant proposes a no-dig method of construction for parking spaces 1 to 8, so no tree roots would be severed. The Tree Officer is satisfied with this method and has no objection to the application subject to conditions requiring the erection of root protection barrier fencing, an arboricultural method statement and the appointment of an arboriculturalist to oversee the development and perform a watching brief. These conditions are attached.

7.7 Protected Species

7.7.1 Criteria (ii) of Policy GP5 states that development will only be permitted where:

- the proposals demonstrate how they avoid, or mitigate and compensate negative impacts to biodiversity, ensuring that there are no significant adverse effects on areas of nature conservation interest including International, European, National, Welsh Section 42 and local protected habitats and species, and protecting features of importance for ecology.

7.7.2 The applicants commissioned a bat survey during the course of the 2014 application and a re-survey of the building was undertaken in November 2016. A report of the findings has been submitted with this application which continues to report that no bats were recorded entering or leaving the building, although several species were recorded foraging in the area. As reported previously the building has been confirmed as a bat roost and as such a licence from Natural Resources Wales (NRW) would be required. The applicant has confirmed that a licence will be sought from NRW using a mitigation plan produced to support a listed building consent application (14/1282) which was granted in September 2016. The listed building consent application was for replacement slates, battens, roofing felt and ceiling installation, these are works necessary to repair the roof. The mitigation strategy identifies that a bat box should be erected on mature trees within the site, this would provide short term mitigation; and this is secured through a condition. In the long term bats should be accommodated within the building in the same position and location. To do this access points would be secured under soffit boards and through modified roof slates. The modified slates were previously agreed under application 14/1282 however it is considered

necessary for this information to be provided with the current listed building consent application which runs concurrently to this application.

7.8 Residential Amenity

7.8.1 Policy GP2 states that development will be permitted where:

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

7.8.2 Policy GP7 states that development will not be permitted which would cause or result in unacceptable harm to health because of land contamination, dust, instability or subsidence, air, heat, noise or light pollution, flooding, water pollution, or any other identified risk to environment, local amenity or public health and safety.

7.8.3 A significant amount of concern has been raised from local residents regarding noise and disturbance from vehicle revving, door slamming, deliveries, staff leaving late at night, loud voices and extraction equipment. There are also concerns regarding odours from cooking and that the building could be converted into a different eating establishment should ownership change. The resounding consensus from the representations received is that a commercial enterprise should not be permitted within a residential area.

7.8.4 It should be noted that the lawful use of the application site is a nursing home which is a commercial enterprise and therefore it could be returned to a commercial use at any point. It is also recognised that elements of food preparation and cooking would have been associated with that use. It is acknowledged that without control over the hours of operation or fume extraction there is potential for the use to cause harm to neighbouring residential amenity in terms of noise and odour. However, it is possible to control the hours of operation through an appropriate condition. The condition would require the applicant to submit and agree their hours of operation for the restaurant in liaison with Environmental Health Officers. Local residents are also concerned that the proposed use would result in patrons generating noise when outside of the building. Whilst it is not considered that a restaurant use is synonymous with noisy congregations of patrons outside; there would be statutory controls under the Environmental Protection Act 1990 if a noise nuisance was established.

7.8.5 The Environmental Health Officer has no objection to the proposal subject to conditions controlling plant and equipment noise, a restriction on delivery times, a requirement for food preparation areas to be mechanically extracted; the details of which are to be first agreed with the Council; and the submission of a Construction Environmental Management Plan. These conditions are imposed. The Environmental Health Officer also recommends a condition requiring details of sound insulation measures to the floor/ceiling between the ground floor restaurant and the first floor guesthouse. It is considered that this matter would be appropriately controlled through Building Regulations.

7.8.6 In terms of noise associated with vehicle movements, including engine revving and door slamming, this is not considered to be so significant as to warrant a reason for refusal. The lawful nursing home use would have similar vehicle movements associated with its operation, due to visiting family and staff movements. Whilst it is accepted that some vehicle movements would occur later into the evening, a control on hours of operation would ensure these do not occur at unsocialable hours.

7.8.7 The application site is surrounded by residential properties. No's 14 and 16 Stow Park Circle are located either side of the rear portion of the application site and no's 8 and 12 are

located either side of the front portion. The proposal includes the construction of an orangery which would extend towards the side boundary of no 12. There is an existing wall along this boundary which is around 2.8m in height, it is considered that this would provide adequate screening and would prevent any loss of privacy to this property. There would be views in the side elevation windows which face towards the neighbouring property however, given the lawful use of the building it is not considered that this situation would be made any worse by this current proposal.

7.8.8 The proposal would involve the demolition of the existing coach house and a replacement building using a similar footprint. The existing building abutts the rear elevation of no 14 Stow Park Circle, the proposed building would leave a small gap between the two side elevations. Whilst the occupier of this property welcomes the demolition of the building concern has been raised regarding how the gap between the buildings would be ventilated, drained, cleared of leaves, debris, snow accumulation of snow and protected from damp penetration. It is understood that these are matters which would be dealt with by Building Regulations.

7.8.9 The proposal involves the demolition of a smaller outbuilding which partly forms the side and rear boundary of the site. It is considered necessary to retain the walls which form the boundary line not only for visual amenity but also to retain a secure boundary along the neighbouring property (no 16). It is proposed to construct a single storey flat roof (with parapet) extension from the rear of the building. This extension would be 600mm from the wall which sits along the shared boundary with no 16. No 16 consists of a detached house with an attached garage. The house faces towards the road which is the rear of the application site. The garage is closest to the shared boundary. As habitable rooms are located well away from the shared boundary it is not considered that there would be a harmful impact in terms of loss of light or an over bearing impact.

7.8.10 No 8 is a residential property accommodating four flats. It sits forward of the front elevation of the application building. It has no boundary treatments other than a retaining wall due to a difference in levels. In order to provide adequate privacy to these properties and to provide greater security, thereby reducing the opportunity for crime and anti-social behaviour, a condition requiring details of boundary treatments could be imposed.

7.8.11 Concern has been raised that the building could become a reception venue for weddings, particularly as the registry office is so close. Restaurants fall within Use Class A3 and hotels fall within Use Class C1. A wedding function or any other function venue is a Sui Generis use and planning permission would be required for a change of use from the hotel/restaurant to a function venue. Furthermore conditions to control hours of operation would prevent harm to residential amenity.

7.9 Drainage

7.9.1 Concerns have been raised that there are existing problems with waste water and sewerage disposal resulting in odour/sewer/drain blockage complaints. Dwr Cymru – Welsh Water has not raised any concerns regarding a foul drainage connection. However, they have requested a condition to prevent any net increase in surface water from discharging to the public sewerage system. Details of surface water drainage of the proposed parking areas are secured through a condition.

7.10 Other concerns

7.10.1 Concern has been raised that the proposal goes against Objective 4 of the Newport Local Development Plan which is “to ensure that there is an adequate supply of land for housing in the most sustainable locations, and to ensure that the quantity, quality and variety of housing provision meet the needs of the population. Also to foster the creation of places which contribute to local distinctiveness and thriving communities”. The application site is not designated for any particular use in the Local Development Plan and as such there is no requirement to safeguard it for a particular use such as housing.

7.10.2 There is concern that there is no information regarding signage and that neon signage would not be appropriate. The applicant would be required to submit a separate advertisement consent application to consider any signage and therefore no details would be expected with this application.

7.10.3 There is concern that no details of lighting have been provided which may cause a nuisance. It is considered necessary to impose a condition requiring details of lighting should it be required.

7.10.4 The location of designated smoking area has been queried. The applicant has not indicated a smoking area however, it is not unlawful to smoke anywhere outside and as such it is not considered reasonable for the planning system to control this matter.

7.10.5 There is concern that disabled access has not been considered. It is recognised that the principle entrance does not provide suitable access for some disabled people, nor is there a lift within the proposals. However, the special character of the listed building needs also to be considered. Building Regulations would determine whether disabled access is required and consideration would be given to the character of the listed building in liaison with the Historic Buildings and Conservation Officer. Should disabled access be required a further planning and/or listed building consent application would be required.

7.10.6 The proposals for the basement and cellar areas have been queried. The applicant has not put forward any proposals for the basement/cellar. Should any works requiring listed building consent be required then a separate application would be necessary.

7.10.7 There is concern that no fire escape for the first and second floors is provided. It is noted that the external fire escape is to be removed and an AOV (automatic opening vent) is proposed to compensate for this. Notwithstanding this building regulations control means of escape in terms of fire. Should additional measures be required then a further application would be required.

7.10.8 It has been noted that the staffing list provided by the applicant does not include chamber maids, night time security and reception staff. It is noted that the applicant has stated that 2 reception staff would be required. The applicant has not indicated that chamber maids would be employed and given that there are only 7 bedrooms it is not unreasonable to consider that this function could be delivered by other hotel staff; and would not warrant a full time position.

7.10.9 Procedure has been carried out in accordance with paragraph 9 of the Planning Protocol – Public Speaking at Planning Committee which states:

“It is the responsibility of the objector, supporter or applicant/agent to check whether the application is to be considered by Planning Committee by contacting the Case Officer who will be able to provide details of the likely date on which the application will be heard and the procedure for registering the request to speak”.

In this instance however, it was understood that there was strong opposition to the application within the neighbouring community and as such one neighbour was contacted to inform them that the application would be heard by this planning committee. This was on the understanding that the neighbour had previously requested for updates on the application which could be disseminated amongst other neighbouring residents.

As with the previous 14/1243 application this neighbour has made a request to address planning committee on behalf of residents.

All neighbour comments have been reported in the committee report.

Applications 17/1214 and 18/0018 have been lodged with the Council (received 29 Dec 2017 and 02 Jan 2018 respectively). These applications seek to vary the standard time condition relating to the extant planning permission and listed building consent for the residential

conversion of Rothbury House. The applicants are requesting that the planning permission and listed building consent be extended for a further 5 years, the applications are currently under consideration. These applications are not relevant to the determination of this application. Neighbours have been notified of the planning application in order to give them the opportunity to make comments.

7.10.10 It is considered that all other concerns are sufficiently addressed in the preceding paragraphs.

7.11 **Condition 9**

Re-wording of condition 09 is considered necessary which refers to hours of operation. The condition currently requires the applicant to agree the opening hours of the entire use with the Council (i.e. hotel and restaurant). After further consideration it is acknowledged that it is not possible to restrict the hours of operation of a hotel as they are a 24 hour operation. The condition is re-worded to require the applicant to submit a management plan for the restaurant only, including the hours of operation. This would give the Council more precise control over the use of the restaurant for members of the public who are only visiting the restaurant and not staying in the hotel. The amended condition will seek to protect neighbouring occupiers from noise and disturbance associated with the activity and movement of restaurant only visiting members of the public.

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 When considering the extant planning permission, the lawful use of the building as a nursing home and the ability to impose conditions to protect residential amenity it is considered that the proposed development is acceptable and in accordance with policies SP1, SP9, SP18, GP2, GP4, GP5, GP6, GP7, CE7 and T4 of the Newport Local Development Plan 2015-2026. 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: PL-101 rev A, PL-102 rev A, PL-103 rev A, PL-104 rev A, PL-105 rev A, PL-106 rev A, PL-107, PL-201 rev K, PL-202 rev C, PL-203 rev D, PL-204 rev C, PL-205 rev C, PL-206 rev D, PL-207 rev A, PL-210, 1171/PL/01, T17.127 figure 1 rev A, Slate Tile Cill Detail rev B, LUM3313A sheet 1 of 2, LUM3313A sheet 2 of 2, Slate Tile Jam Detail rev B, Slate Tile Head Detail and swept path analysis of 8m rigid delivery vehicle.

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

Pre- commencement conditions

02 Prior to the commencement of development, to include demolition, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, air quality, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. Measures to minimise the impact on air quality should include HGV routes avoiding Air Quality Management Areas and avoid vehicle idling. The plan shall also include details of contractor parking/compound and wheel wash facilities. Development shall take place in accordance with the approved plan.

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

03 Prior to the commencement of development surface water drainage details of the car parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to protect the public sewerage system.

- 04 No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until the Root Protection Barrier fencing has been installed in accordance with the approved Tree Protection Plan. No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area. All weather notices shall be erected on Heras fencing (1 per 10 panels, stating "Construction Exclusion Zone No Access" and the fencing shall be retained for the full duration of the development.

- Reason: To protect important landscape features within the site and to ensure the appearance of the Conservation Area and setting of the listed building is preserved.
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- 05 No operations of any description, (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development, until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall contain full details of the following:
 - (a) Special engineering requirements including 'no dig construction'.
 - The development shall be carried out in full compliance with the Arboricultural Method Statement unless otherwise first agreed in writing by the Local Planning Authority.
 - Reason: To protect important landscape features within the site.
 -
 - 06 No development, to include demolition, shall commence until an Arboriculturalist has been appointed, as first agreed in writing by the Local Planning Authority, to oversee the project (to perform a Watching Brief) for the duration of the development and who shall be responsible for -
 - (a) Supervision and monitoring of the approved Tree Protection Plan;
 - (b) Supervision and monitoring of the approved tree felling and pruning works;
 - (c) Supervision of the alteration or temporary removal of any Barrier Fencing;
 - (d) Oversee working within any Root Protection Area;
 - (e) Reporting to the Local Planning Authority;
 - (f) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Council's Tree Officer.
 - Reason: To protect important landscape features within the site.

Pre – construction conditions

07 No work shall be commenced on the construction of the replacement coach house and rear single storey extension until details/samples of materials and finishes to be used on the external surfaces (to include window details, joinery details, eaves and verge detail) have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out using the approved materials.
Reason: To ensure the development is completed in a manner compatible with its surrounds and to ensure that the appearance of the Conservation Area and setting of the listed building is preserved.

Pre –occupation conditions

08 Prior to the first beneficial use of the development hereby approved the visibility splay shown on drawing PL-201J shall be provided have been provided. The splay shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres.
Reason: In the interests of road safety and traffic movement.

09 Prior to the first beneficial use of the development hereby approved, a management plan detailing how the restaurant will operate in relation to visiting members of the public to the restaurant only (including the hours of operation) shall be submitted to and approved in writing by the Local Planning Authority. The restaurant shall operate in accordance with the approved hours.

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

10 Prior to the first beneficial use of the building hereby approved details of a refuse management plan for the hotel and restaurant shall be submitted to and approved in writing by the Local Planning Authority. The use(s) shall operate in accordance with the approved management plan.

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

11 Prior to the first beneficial use of the development hereby approved boundary treatments shall be erected along the northern and eastern boundary (where the small outbuilding is to be demolished) and along the eastern boundary shared with no 8 Stow Park Circle in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be maintained thereafter.

Reason: In the interests of residential amenity and security.

12 Prior to the first beneficial use of the building hereby approved a bat boxes shall be erected on a mature tree within the site in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be retained thereafter.

Reason: To provide ecological enhancement.

13 No use shall be made of the building hereby approved until the access has been widened and the car parking area provided, surfaced and individual parking space marked on the surface as indicated on drawing no PL-201 rev J. Thereafter, these areas shall be kept available for those purposes at all times.

Reason: To ensure that adequate off-street parking provision is made in the interests of highway safety.

Pre-installation conditions

14 Fumes from the food preparation areas shall be mechanically extracted and the extraction system shall be provided with de-greasing and de-odorising filters. Details of the extraction equipment (including scaled schematics, location plans, odour & noise attenuation measures and future maintenance) shall be submitted to and approved in writing by the Local Planning Authority prior to its installation, and the equipment shall be installed in accordance with the approved details prior to the commencement of use for the cooking of food.

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

15 Prior to the installation of any lighting; details shall first be submitted to and agreed in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details.

Reason: In the interests of residential amenity.

General conditions

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

Reason: To secure the satisfactory implementation of the proposal.

17 Noise emitted from plant and equipment located at the site shall be controlled such that the rating level, calculated in accordance with BS4142 2014, does not exceed a level of 5dB below the existing background level, with no tonal element to the plant.

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

18 There shall be no arrival, departure, loading or unloading of vehicles between the hours of 18:00 and 08:00 on any day.

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

19 The floor area used for dining purposes shall not exceed 74sqm and remain as such in perpetuity.

Reason: To ensure that adequate off-street parking provision is made in the interests of highway safety.

20 All commercial vehicles visiting the site for the delivery and collection of goods shall be limited to rigid body vehicles not greater than 8m in length.

Reason: In the interests of highway safety.

NOTE TO APPLICANT

01 This decision also relates to: Extended Phase 1 Habitate Survey Report (Sylvan Ecology, November 2016), Bat Survey Update (Sylvan, November 2016), Heritage Assessment (Holand Heritage, April 2017), staffing figures (Gemelli, June 2017) and tree information (Trecare Consulting, July 2017).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, SP18, GP2, GP4, GP5, GP6, GP7, CE7 and T4 were relevant to the determination of this application.

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

REASON FOR SITE INSPECTION

To allow Members to assess amenity implications including parking and access issues which exist in the area.
