

# Agenda



## Planning Committee

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Date: Wednesday, 8 August 2018

Time: 10.00 am

Venue: Council Chambers - Civic Centre

To: Councillors J Richards (Chair), J Guy (Deputy Chair), M Al-Nuaimi, G Berry, J Clarke, V Dudley, C Jenkins, J Jordan, R Mogford, C Townsend and R White

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### **Part 1**

<b>Item</b>	<b>Wards Affected</b>
1. <u>Agenda yn Gymraeg/Agenda in Welsh</u> (Pages 3 - 4)	
2. <u>Apologies for Absence</u>	
3. <u>Declarations of Interest</u>	
4. <u>Minutes of the meeting held on 4 July 2018</u> (Pages 5 - 10)	
5. <u>Development Management: Planning Application Schedule</u> (Pages 11 - 110)	
6. <u>Appeal Decisions</u> (Pages 111 - 116)	

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Date of Issue: Wednesday, 1 August 2018

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# Agenda

## Pwyllgor Cynllunio

Dyddiad: Dydd Mercher, 8 Awst 2018

Amser: 10.00 a.m.

Lleoliad: Siambr y Cyngor, Canolfan Ddinesig

At sylw: Y Cyngorwyr Richards (Cadeirydd), Guy (Dirprwy Gadeirydd), Al-Nuaimi, Berry, Clarke, Dudley, Jenkins, Jordan, Mogford, Townsend a White

### **HYSBYSIAD GWE-DDARLLEDU**

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

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

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

*Os oes gennych unrhyw ymholiadau ynghylch hyn, cysylltwch â Rheolwr Democratiaeth a Cyfathrebu*

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

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

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

#### **Eitem**

#### **Wardiau dan Sylw**

- |    |   |          |
|----|---|----------|
| 1. | <u>Agenda yn Gymraeg</u>                            |          |
| 2. | <u>Ymddiheuriadau dros Absenoldeb</u>               |          |
| 3. | <u>Datganiadau Diddordeb</u>                        |          |
| 4. | <u>Cofnodion y cyfarfod (ydd) diwethaf</u>          | Pob Ward |
| 5. | <u>Rheoli Datblygu: Rhaglen Ceisiadau Cynllunio</u> | Pob Ward |
| 6. | <u>Penderfyniadau Apeliadau</u>                     |          |

Cysylltwch â: Michele Chesterman, Swyddog Llywodraethu

Rhif Ffôn: 01633 656656

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Dyddiad Cyhoeddi: 1 Awst 2018

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# Minutes

## Planning Committee

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Date: 4 July 2018

Time: 10.00 am

Present: Councillors J Richards (Chair), J Guy (Deputy Chair), M Al-Nuaimi, G Berry, J Clarke, V Dudley, J Jordan and R White

In Attendance: Tracey Brooks (Development and Regeneration Manager), Stephen John Williams (West Area Planning Manager), Joanne Davidson (East Area Development Manager), Sian Davies (Assistant Solicitor), Eilian Jones (Principal Planning Officer), Carl Jones (Principal Engineer), Alun Lowe (Planning Contributions Manager) and Michele Chesterman (Governance Officer)

Apologies: Councillors R Mogford and C Townsend

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### 1 Minutes

The Minutes of the meeting held on 6 June 2018 were submitted.

#### Resolved

That the Minutes of the meeting held on 6 June 2018 be taken as read and confirmed.

### 2 Development Management: Planning Application Schedule

#### Resolved

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

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

### 3. Appeals

Members attention was drawn to the Appeals Report, for information.

#### Reference 17/0723 Planning Application Appeal

**Address:** Caerleon Nursing Home, Goldcroft Common, Caerleon NP18 1BE

**Development** – Retention of two-storey extension, roof developments and extraction flue, all in modified form – **Dismissed**.

#### Reference: E17/0103 Enforcement Appeal

**Address:** Land Croes-Carn-Einon Farm, Holly Lane, Rhiwderin, Newport NP10 8RR

**Development:** Change of use to Waste Transfer Station – **Dismissed and the enforcement notice is upheld.**

**Reference:** 17/0070 **Planning Application Appeal**

**Address:** Land Croes-Carn-Einon Farm, Holly Lane, Rhiwderin, Newport NP10 8RR

**Development:** Change of use to Waste Transfer Station - **Dismissed**

## Appendix

### PLANNING COMMITTEE – 4 JULY 2018

#### DECISION SCHEDULE

No	Site/Proposal	Ward	Additional Comments	Decision
18/0465	<p>Chartist Tower, Upper Dock Street, Newport NP20 1DW</p> <p>Change of use of Chartist Tower to part Hotel (use Class C1), comprising ancillary facilities (Gym, Conference space, storage space, offices &amp; restaurant) and ground floor coffee shop (Use Class A3) at former Units 8-11, part retention and reconfiguration to create office floor space (use Class B1), change of use of units 1-3 to a restaurant (Use class A3), and external alterations to the façade of Chartist Tower (to include roof top louvres, cladding, new fenestration and glass box extension) and to the retail units fronting Upper Dock Street, Austin Friars (former Units 1-7 &amp; 12-13) and Commercial Street (the former BHS)</p>	Stow Hill	<p>Public Speaker Mr Owain Griffiths, Agent spoke on the application.</p> <p>A discussion took place on parking. However, it was determined that parking was not an issue as the building was in a city centre location which did not require any parking in terms of council requirements with the proximity of the train and bus station. The building had far more parking than many city centre hotels.</p> <p>A discussion took place on proposed materials for cladding and members asked if clarification could be obtained from the Fire Officer. The Fire Officer had been contacted with no response. Planning Officers advised members that the issue of cladding was a building regulation requirement and the scheme would have to be signed off by an approved inspector but this did not form part of the planning application process.</p> <p>Members felt the development was positive with the increase in footfall for the city centre.</p>	<p>Granted with Conditions</p> <p>(Condition 08 was removed as it duplicated condition 06).</p>

No	Site/Proposal	Ward	Additional Comments	Decision
18/0048	<p data-bbox="359 226 619 322">Elnathan, Tregarn Road, Langstone, Newport NP18 2JS</p> <p data-bbox="359 356 600 488">Erection of a detached dwelling (resubmission of 17/0379)</p>	Langstone	<p data-bbox="821 226 1187 488">Members were made aware of late representations previously circulated which related to correspondence from the applicant and a slight variation in the recommendation</p> <p data-bbox="821 524 1174 620">Public Speaker, Mr Gareth Pugh spoke on the application</p> <p data-bbox="821 658 1187 790">Public Speaker, Mr Mark Stevenson, Applicant's Planning Consultant, spoke on the application</p> <p data-bbox="821 828 1118 925">Ward member, Cllr Bill Routley spoke on the application.</p> <p data-bbox="821 963 1187 1431">With regards highway safety the Head of Streetscene had withdrawn opposition which was included at point 6 in the officer's report. In terms of safety and access Highways did not have any objection. The Welsh Government Crash Map database had been used and Capita had vetted the safety audit and could not find any fault.</p> <p data-bbox="821 1469 1187 1700">Officers were recommending approval with conditions subject to a S106 agreement with delegated authority to refuse if not signed within 3 months.</p>	<p data-bbox="1214 255 1337 286"><u>Site Visit</u></p> <p data-bbox="1214 324 1406 456">To assess the effect on neighbouring properties</p> <p data-bbox="1214 495 1417 591">To assess the impact on highway safety</p>
18/0281	<p data-bbox="359 1740 624 1800">77 Bassaleg Road, Newport NP20 3NA</p> <p data-bbox="359 1839 512 1935">Two Storey Rear/Side Extension</p>	Gaer	<p data-bbox="821 1740 1155 1836">Public Speaker, Mr Rhys Wilkins, Applicant, spoke on the application</p>	<p data-bbox="1214 1740 1390 1800">Granted with Conditions</p>



No	Site/Proposal	Ward	Additional Comments	Decision
18/0213	<p>34 Fields Park Road, Newport NP20 5BB</p> <p>Side Extension Over Garage and New Dormer</p>	Allt-yr-yn	<p>Public Speaker, Mr Andrew Park (Objecting)</p> <p>Public Speaker, Mr Jason Watkins, Applicant</p> <p>Ward Councillor, Cllr Charles Ferris, spoke on the application</p> <p>Officers were recommending approval with conditions.</p>	<p><u>Site Visit</u></p> <p>To assess the effect of the proposal on the windows on the neighbouring property.</p> <p>To assess the suitability of materials.</p>
18/0282	<p>16 Charles Street, Newport NP20 1JU</p> <p>Proposed residential conversion to form 18No self-contained apartment with new cycle and refuse facilities</p>	Stow Hill	<p>It was noted that there was no car parking provision but this was not a requirement as it was a city centre development.</p> <p>In terms of a desire to see the listed building back in use it was decided to waive the Section 106 contributions.</p> <p>Concerns were expressed over possible disruption when the alteration work is carried out as the area was already congested. However the officer noted that the Construction Management Plan should hopefully deal with this issue.</p>	Granted with Conditions
18/0336	<p>Clytha Primary School, Bryngwyn Road, Newport, Gwent NP20 4JT</p> <p>Erection of Canopy</p>	Allt-yr-yn		Granted with Conditions

Meeting finished 12.40 pm

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# Report

## Planning Committee

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### Part 1

Date: 8 August 2018

Item No: 5

**Subject** **Planning Application Schedule**

**Purpose** To take decisions on items presented on the attached schedule

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

**Ward** As indicated on the schedule

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

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

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

**Proposal**

1. To resolve decisions as shown on the attached schedule.
2. To authorise the Development and Regeneration Manager to draft any amendments to, additional conditions or reasons for refusal in respect of the Planning Applications Schedule attached

**Action by** Planning Committee

**Timetable** Immediate

This report was prepared after consultation with:

- Local Residents
- Members
- Statutory Consultees

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

## **Background**

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

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

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

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

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

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

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

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

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

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

## **Financial Summary**

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

## **Risks**

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

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

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

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

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

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

<b>Risk</b>	<b>Impact of risk if it occurs* (H/M/L)</b>	<b>Probability of risk occurring (H/M/L)</b>	<b>What is the Council doing or what has it done to avoid the risk or reduce its effect?</b>	<b>Who is responsible for dealing with the risk?</b>
determination, with costs awarded against the Council			unreasonably.	Development Services Manager
Judicial review successful with costs awarded against the Council	H	L	Ensure sound and rational decisions are made.	Planning Committee  Development Services Manager

\* Taking account of proposed mitigation measures

### **Links to Council Policies and Priorities**

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

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

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

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

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

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

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

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

## **Options Available**

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

## **Preferred Option and Why**

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

## **Comments of Chief Financial Officer**

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

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

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

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

## **Comments of Monitoring Officer**

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

## **Staffing Implications: Comments of Head of People and Business Change**

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

## **Local issues**

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

## **Equalities Impact Assessment and the Equalities Act 2010**

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due

regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

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

### **Children and Families (Wales) Measure**

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

### **Newport's Well-Being Plan 2018-23**

The Wellbeing of Future Generations (Wales) Act 2015 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. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018.

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 (2015)
- TAN 2: Planning and Affordable Housing (2006)
- TAN 3: Simplified Planning Zones (1996)
- TAN 4: Retailing and Commercial Development (2016)
- TAN 5: Nature Conservation and Planning (2009)
- TAN 6: Planning for Sustainable Rural Communities (2010)
- TAN 7: Outdoor Advertisement Control (1996)
- TAN 8: Renewable Energy (2005)
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 13: Tourism (1997)
- TAN 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (2007)
- TAN 19: Telecommunications (2002)
- TAN 20: Planning and TheWelsh Language (2017)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)
- TAN 24: The Historic Environment (2017)

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

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

Welsh Government Circular 016/2014 on planning conditions

### **LOCAL POLICY**

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

#### Supplementary Planning Guidance (SPG):

- Affordable Housing (adopted August 2015)
- Archaeology & Archaeologically Sensitive Areas (adopted August 2015)
- Flat Conversions (adopted August 2015)
- House Extensions and Domestic Outbuildings (adopted August 2015)
- Houses in Multiple Occupation (HMOs) (adopted August 2015) (updated January 2017)
- New dwellings (adopted August 2015)
- Parking Standards (adopted August 2015)
- Planning Obligations (adopted August 2015)
- Security Measures for Shop Fronts and Commercial Premises (adopted August 2015)
- Wildlife and Development (adopted August 2015)
- Mineral Safeguarding (adopted January 2017)
- Outdoor Play Space (adopted January 2017)
- Trees, Woodland, Hedgerows and Development Sites (adopted January 2017)
- Air Quality (adopted February 2018)

### **OTHER**

The Colliers International Retail Study (July 2010) is not adopted policy but is a material consideration in making planning decisions.

The Economic Development Strategy is a material planning consideration.

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 are relevant to the recommendations made.

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

**APPLICATION DETAILS**

**No:** 18/0388      **Ward:** ALLT-YR-YN, STOW HILL

**Type:** FULL

**Expiry Date:** 10-AUG-2018

**Applicant:** GARRISON BARCLAY ESTATES LTD

**Site:** 22-29, MILL STREET, NEWPORT, NP20 5HA

**Proposal:** PART DEMOLITION OF EXISTING BUILDING TO FACILITATE EXTENSION AND REFURBISHMENT FOR OFFICE (USE CLASS B1) REUSE, TOGETHER WITH PROVISION OF VEHICULAR AND PEDESTRIAN ACCESSES, CAR PARKING, LANDSCAPING AND ANCILLARY DEVELOPMENT: SITE PREPARATION AND THE INSTALLATION OF NEW SERVICES AND INFRASTRUCTURE

**Recommendation:** GRANTED WITH CONDITIONS

**1. INTRODUCTION**

- 1.1 Full planning permission is sought for the partial demolition of elements on the ground, fifth and sixth floors of this existing office building which is located at 22-29 Mill Street. The demolition would facilitate the refurbishment of the building and its re-use as office accommodation (Use Class B1).
- 1.2 The building would also be reconfigured and extended, although the overall floorspace would be reduced from 6,084 sq.m to 5,505 sq.m.
- 1.3 The exterior of the building would be re-clad and new glazing would be installed. It is also proposed to install shipping container type protrusions on the front elevation in order to give the building a contemporary uplift.
- 1.4 It is proposed to retain the under-croft parking area beneath the existing building, although the parking spaces would be formalised along with the remainder of the site area which would provide a total of 84 parking spaces. It is proposed to enter and exit the site via the creation of a new access off Mill Street.

**2. RELEVANT SITE HISTORY**

00/1120	CHANGE OF USE OF FORMER POSTAL SORTING OFFICE TO LIGHT INDUSTRY (B1)	Granted with conditions
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**3. POLICY CONTEXT****3.1 Newport Local Development Plan 2011-2026 (Adopted January 2015)**

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

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

Policy **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 **GP1 General Development Principles – Climate Change** states that development should be designed to withstand predicted climate change and reduce the risks and

consequences of flooding, minimise energy requirements, reuse/recycle construction material and meet the relevant BREEAM or Code for Sustainable Homes Level.

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

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

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

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 **CE6 Archaeology** states that proposals in areas known to have archaeological interest or potentially have archaeological interest will be required to undertake an archaeological impact assessment.

Policy **H1 Housing Sites** lists sites allocated for residential development within the plan period.

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

Policy **W3 Provision for Waste Management Facilities in Development** states that where appropriate, facilities for waste management will be sought on all new development.

#### **4. CONSULTATIONS**

4.1 WALES AND WEST UTILITIES: No response.

4.2 WESTERN POWER DISTRIBUTION: Advise of apparatus in the area.

4.3 SOUTH WALES FIRE AND RESCUE: No response.

4.4 NETWORK RAIL: No objection. However, due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission. The local authority should include these requirements as planning conditions if these matters have not been addressed in the supporting documentation submitted with this application.

4.4.1 Demolition: The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building, due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence.

4.4.2 Noise: Network Rail would remind the Council and the applicant of the potential for any noise/ vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should use conditions as necessary. The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains. There is also the potential for maintenance works to be carried out on trains,

which is undertaken at night and means leaving the trains' motors running which can lead to increased levels of noise.

- 4.4.3 Plant, Scaffolding and Cranes: Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.
- 4.4.4 In order to mitigate any risks to Network Rail's infrastructure, the Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works.
- 4.5 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: Information in the regional Historic Environment Record, curated by this Trust, shows that the proposed application is located within the Archaeologically Sensitive Area of Newport's Town Centre. It is also situated less than 200m from Newport Castle, a Scheduled Ancient Monument (Cadw ref: MM009).
- 4.5.1 The proposed development includes partial demolition and the extension and refurbishment of the former IAC Ltd building, a five storey flat-roofed office block, and its carpark. Prior to the use of the building by IAC Ltd, it was occupied by the Royal Mail as the postal exchange for Newport. A review of the Historic Ordnance Survey maps (1883 to 1937) shows that the proposed application area previously contained structures relating to a Public House, Sunday school and Chapel.
- 4.5.2 We note from the supporting documents and the Planning Statement report that the footprint of the building will remain unchanged and that the existing under-croft parking will be retained and formalised (Section 2.18). Additionally, we note from the Planning Statement that there are no proposals for additional storeys to the building (Section 5.23) and whilst it is unlikely that the proposed application will have an effect on the setting of the Scheduled Ancient Monument (Newport Castle, MM009), we recommend that Cadw should also be consulted.
- 4.5.3 Consequently, given the previous construction and recent development undertaken at the site, it is likely that any surviving archaeological remains may have already been disturbed and the impact of the proposed development upon the archaeological resource is considered to be low. As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.
- 4.6 CADW – ANCIENT MONUMENT: No objection.
- 4.7 DWR CYMRU – WELSH WATER: Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts us to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

## **5. INTERNAL COUNCIL ADVICE**

- 5.1 TEAM MANAGER REGENERATION: The application details the potential for the proposed development to support national and local planning objectives around sustainable economic growth. Provision of a refurbished premises in a location with excellent transport links accords with the key drivers for office development and the aspirations of the city to move itself up the value chain, and can be supported on this basis.
- 5.1.1 Independent market monitoring confirms the requirement for 'Grade A' office space both as a means of revitalising the sector within Newport itself, but also to address the lack of office development across the wider region. Whilst the definition of what is and isn't Grade A office is subjective, and therefore impossible to specify via conditions attached to any planning consent, it is generally accepted that achieving Grade A designation requires the development of 'state of the art' office facilities that not only demonstrate a statement

impact on the immediate environment, and offer a range of amenities to users of the building, but also a very high specification in relation to fixtures, fit out and building performance.

- 5.1.2 The development of the former IAC is a clear opportunity to furnish Newport with this much-needed Grade A space and deliver real economic benefit through a signature scheme of exceptional quality and performance.
- 5.2 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): The applicant has carried out a sustainability assessment in accordance with the Newport City Council Parking Standards and I'm satisfied that the location of the site scores sufficient points to justify a reduction in the parking requirement. The applicant proposes to provide 87 spaces which exceeds the requirement of the parking standards when applying the sustainability assessment; and significantly increases the parking provision when compared to the existing use. The proposed level of parking is therefore acceptable.
- 5.2.1 The applicant proposes to provide a two way junction onto Mill Street. In order to justify the achievable visibility towards Factory Road the applicant has carried out a seven day automated speed survey. Based on the 85<sup>th</sup> percentile speeds identified in the survey the proposed visibility splays are considered acceptable.
- 5.2.2 The applicant has included 2 x 2m pedestrian visibility splays. No structures or planting within the splays will be permitted above a height of 600mm above carriageway level. 3 no. parking space have also been removed in the interest of pedestrian visibility however, the requirements of the parking standards are still being met.
- 5.2.3 The applicant has submitted a swept path analysis (SPA) which demonstrates that all vehicles can access and egress the site in a forward gear.
- 5.2.4 The following conditions will be required should the application be approved:
- Submission of CEMP which must include such details as wheel wash facilities, dust suppression, contractor parking/compound. In addition, given the proximity of the primary school, delivery/construction vehicles must be prohibited at certain times so that they do not conflict with the drop off and collection times associated with the school.
  - The existing accesses onto Mill Street and Factory Road must be removed prior to occupation of the building. Details must be submitted for approval.
  - The new accesses and alterations onto Mill Street must be fully constructed prior to commencement of construction works.
  - A travel plan must be submitted for approval.
  - No structures, planting or vegetation will be permitted above a height of 600mm above carriageway level within any visibility splays.
- 5.2.5 The applicant must note that the works within the adopted highway will require a S.111 agreement. The applicant will need to contact Streetscene to facilitate the agreement and no works can take place within the adopted highway until the required agreement is in place and final approval has been given by the highway authority. In addition the traffic orders will need to be amended along Mill Street and the full cost of this process must be met by the developer.
- 5.2.6 Subject to the above I would offer no objection to the application.
- 5.3 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): No response.
- 5.4 PLANNING POLICY MANAGER: The site was promoted for housing during the preparation of the 2015 LDP. It was allocated for 70 units and would have played its part in helping Newport achieve its housing target.
- 5.4.1 However, the site has an existing lawful use as office accommodation. This application is for the continued use of office accommodation following a major refurbishment to the building. As the application does not propose any change of use, the fact the site has a

housing allocation holds limited weight. Therefore it is simply a LDP housing allocation which has not come to fruition. This is disappointing, but Newport does currently have a healthy housing land supply of 5.6 years and therefore the consequences of this site not coming forward for residential are not significant. This site has not been included in the housing land supply calculations for the last 2 years as no progress was being made in terms of promoting the site for residential. Therefore the loss of this site has already been accounted for and factored into the housing supply.

5.4.2 Newport's Employment Land Review, which was written as part of the LDP evidence, also acknowledges that the city has a surplus of lower grade office accommodation and consideration should be given to converting this to different uses. Whilst the use would not be a change, the building can definitely be described as 'lower grade' office accommodation and its regeneration into higher spec grade A offices would be welcomed.

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

5.6 HEAD OF LAW AND REGULATION (ENV. HEALTH): No objection subject to a condition requiring a construction environmental management plan.

## **6. REPRESENTATIONS**

6.1 NEIGHBOURS: All properties sharing a common boundary and opposite the application site were consulted (37 properties) and a site notice was displayed. One representation has been received raising the following:

- Query the plans to protect privacy from the windows/roof which look down onto bedrooms and gardens;
- Query whether there are plans for the building to have frosted glass or to have  $\frac{3}{4}$  panes of frosted glass with a skylight at the top to let light into the offices;
- Can the roof have a panel/fence to prevent looking over the top into the houses/gardens below.

6.2 COUNCILLOR DAVID FOUWEATHER: The parking provision for this application is not adequate and will create a great deal of extra on street parking in the area. Recent figures obtained from the Council show that 628 employees at the Civic Centre travel to work by car. There are 393 parking spaces available in the car park but 192 of these are shared by the public at Godfrey Road. This means that approximately 427 vehicles are already using on street parking in the ward. This application could result in a further 400 motorists accessing on street parking in the Allt-yr-yn Ward.

6.2.1 The application sits in a part of the ward where parking is already oversubscribed and there are parking restrictions in place in certain parts. I know that this application is near the railway station and on a bus route but in reality this doesn't work and people will arrive at work in their cars. The Admiral office building is a good example of this. Admiral couldn't be any nearer the railway station and has bus bays right outside its office but the staff are still coming in by car and some of them are parking in the Allt-yr-yn Ward especially around St Marks Crescent and Queen Hill Crescent. Therefore can I ask you to go back to the developer and ask that additional car parking be provided at this site.

6.2.2 Notes that the application site and the Queens Hill development site are very close to each other and will have a significant impact on traffic volume within the area. Therefore requests that if any traffic surveys that are carried out can take into consideration both applications and that evidence presented to the Planning Committee so that they have a clear picture of how both these applications will impact upon traffic movement within the local area.

6.2.3 Because of concerns around lack of parking spaces being provided requests the application to be heard by the Planning Committee.

## **7. ASSESSMENT**

### **7.1 The Proposal**

It is proposed to demolish part of the ground floor along the front elevation in order to create a usable floor area and a new glazed frontage with entrance doors and a digital wall. It is also proposed to demolish a flat roofed single storey building which sits along the

eastern elevation. The demolition of this building would allow for the provision of additional parking and a new entrance point. It is also proposed to demolish part of a roof top structure and a single storey structure which is in the western portion, towards the front of the site. This area would provide further parking provision and would be landscaped. It is also proposed to demolish a glazed structure which protrudes from the rear elevation at the 5<sup>th</sup> floor.

- 7.1.1 The area surrounding the building would be used to create additional and formalised parking. 84 spaces would be provided, along with 4 motorcycle spaces and 44 cycle stands. The car park would be accessed via a new entrance created off Mill Street. It is also proposed to shift an existing access off Mill Street further west and this would be used to access further parking spaces. It is also proposed to provide hard landscaping and a set of steps and a balustrade at the front of the building, which also extends around the eastern side of the building. Soft landscaping would be provided at the front of the side and along the western boundary.
- 7.1.2 The ground floor of the building would be used as a reception/restaurant/lounge area with lift and stair access to the upper floors. Parts of the ground floor would also be used for bin storage, cycle storage and a plant room.
- 7.1.3 The existing first and third floors would be reconfigured to create an open plan office space, the second and fourth floors would be removed to create large floor to ceiling office space. The fifth floor would also be used as office space. The roof would be used to accommodate plant equipment and photo voltaic panels. A 1100mm high balustrade would be fixed around the perimeter of the roof.
- 7.1.4 The exterior of the building would be refurbished with new glazing and new cladding. It is proposed to paint the existing brickwork which is generally to the rear and sides of the building. On the front and side elevations where there is existing concrete cladding; it is proposed to install a decorative mesh overcladding and the rear concrete cladding would be painted. It is also proposed to construct a vertical column to the east of the building with corrugated metal cladding in the style of a shipping container. Shipping containers are also proposed to project at various positions from the front and side of the building.

## 7.2 **Urban regeneration/economic development**

The application site was promoted for housing during the preparation of the Newport Local Development Plan, it was allocated for 70 units. It's recognised that the site has housing allocation however, Newport currently has a healthy housing land supply of 5.6 years and as such the consequences of this site not coming forward for housing are not considered to be significant. In any case the proposals do not involve a change of use as it has a lawful office use and as such the proposal would merely facilitate the ongoing use as offices.

- 7.2.1 Furthermore, the site has not been included in the housing land supply calculations for the last 2 years as no progress was being made in terms of promoting the site for residential. Therefore the loss of this site has already been accounted for and factored into the housing supply.
- 7.2.2 Policy SP18 supports proposals which assist the regeneration of the urban area and particularly where they reuse vacant and underused land. Newport's Employment Land Review acknowledges that the city has a surplus of lower grade office accommodation and in its current condition the building can be described as "lower grade" office accommodation. The proposed upgrade and refurbishment of the building to create higher spec offices is welcomed and it would address the need for higher grade office accommodation across the Authority and the wider region. It is considered that it would positively contribute towards revitalising the City and bringing a clear economic benefit to the area.

## 7.3 **Residential amenity**

The application site is located in a mixed commercial and residential area. To the east of the site is a former pub (The Royal Mail) which has been converted into a House of Multiple Occupation. To the west there are offices. To the rear of the site is a row of terraced houses which have rear gardens backing onto the rear car park/service area.



7.3.1 Concern has been raised by a local resident over the protection of privacy for these neighbouring residents. These concerns are acknowledged however, the building has a lawful office use and could be occupied as such at any point. This application relates to external alterations only and not the use of the building. On this basis, the proposal does not represent any additional harm in terms of residential amenity.

7.3.2 The Head of Law and Regulation (Environmental Health) has no objection to the proposed development subject to the imposition of a condition requiring the submission of a Construction Environmental Management Plan, this is duly attached.

#### 7.4 **Design**

Policy GP6 requires good quality of design in all forms of development. The application building is in much need of refurbishment and it is considered to have a negative impact on the appearance of the surrounding area. Currently there is no active frontage at ground floor and the grounds in front of the building attract indiscriminate parking which further contributes to its negative impact. The building is also highly visible from the railway, particularly when travelling from the east. As a tall building it is one of the first buildings which visitors to the City or travelling by train to other destinations will view. It is also highly visible from a number of vantage points across the wider area.

7.4.1 The design approach is to modernise the building so that it has a contemporary appearance to reflect its higher grade of office accommodation. The use of metal mesh cladding to the frontage and side elevations of the building; and the refurbishment of windows, including the proportions is considered to achieve this approach well. It is also proposed to introduce shipping containers to the front and side elevations. This is currently a popular and innovative design feature which is considered to create a vibrant and modern appearance. Such a feature is not currently seen elsewhere in Newport and as such it is considered that it would positively contribute to the prominence of the building on the approach to the City Centre via train and within the wider street scene.

7.4.2 It is also proposed to provide a glazed ground floor frontage with a digital wall and a hard landscaping approach to the building. This is considered to improve the buildings impact on the street scene at ground level and would provide a much needed active frontage. It is also proposed to rationalise the car parking which would remove the indiscriminate parking at the front of the building. Overall it is considered that the proposed external alterations would result in a positive visual impact on both the immediate street scene and within the wider area. It is recommended that a condition is imposed requiring details or samples of all external finishes, including the hard landscaping and balustrades to ensure a good quality finish.

#### 7.5 **Highways**

The application building is located within parking zone 3. The existing gross floor area (GFA) is 6,084 sq.m and in accordance with the Newport Parking Standards Supplementary Planning Guidance (SPG) the existing parking generation is determined to be 101 spaces at a ratio of 1 space per 60 sq.m. The applicant has confirmed that the maximum onsite parking provision is currently 55 spaces and therefore there is a shortfall of 46 spaces in accordance with current standards.

7.5.1 The proposal would reduce the gross floor area down to 5,505 sq.m which generates a total parking demand of 92 spaces. The applicant has carried out a sustainability assessment in accordance with the Newport City Council Parking Standards (Appendix 5). It shows that the site scores above the maximum reduction points of 10 and as such a parking reduction of 30% can be applied to the calculated standards. The resultant car parking demand based on applying the proposed gross floor area to the SPG standards and then applying the 30% reduction is 64 spaces. The Head of Streetscene and City Services (Highways) is satisfied with the sustainability appraisal and concurs that the location of the site scores sufficient points to justify a reduction in the parking requirement. The applicant proposes to provide 84 spaces which exceeds the requirement of the parking standards when applying the sustainability assessment, and significantly increases the parking provision when compared to the existing use. The Head of

Streetscene and City Services (Highways) considers the proposed level of parking to be acceptable.

- 7.5.2 It is proposed to provide a two way junction onto Mill Street. Following a seven day automated speed survey and a revision to the original layout; the vehicle and pedestrian visibility from this access has been demonstrated to be acceptable. The Head of Streetscene and City Services (Highways) is satisfied with this access. It is noted that the creation of the new access would require the closure of an existing access off Mill Street which is slightly to the east of the proposed access. The Highways Officer requires the existing access to be removed prior to the occupation of the building. A condition is recommended to secure this, however as the building can be occupied for office use now it is considered to be more reasonable to require the existing access to be removed prior to the first beneficial use of the new access. It is noted that works within the adopted highway will require a Section 111 Agreement and the traffic orders along Mill Street would need to be amended. The applicant would need to undertake these agreements before works in the adopted highway can take place. An informative is added to alert the applicant to this.
- 7.5.3 The Head of Streetscene and City Services (Highways) also requires an existing access off Factory Road to be removed prior to the occupation of the building. It is recognised that this access is substandard however, it is existing and it could be utilised should the building become occupied at any point. This proposal does not involve a change of use and there would be an overall reduction in floor space. As the proposal would not result in the intensification of the site over and above that which could exist; it is not considered reasonable to require the Factory Road access to be removed.
- 7.5.4 The Head of Streetscene and City Services (Highways) requires conditions to secure a Construction Environmental Management Plan and a travel plan; and to prevent structures, planting or vegetation above 600mm in height within any visibility splays. These conditions are duly attached.
- 7.5.3 Concern has been raised that the Queens Hill development site and the application site are very close to each other and there is a potential impact on traffic volumes within the area. It has been requested that traffic surveys take into consideration both applications to understand how they would impact upon traffic movements within the local area. These comments are acknowledged however, this application does not involve a change of use. The proposals only include demolition, refurbishment, landscaping and changes to the car park. The proposal would result in less office floor space than currently exists and as such the resulting traffic movements would be less than could currently exist. On this basis it is not considered reasonable to require the applicant to consider the traffic movements associated with the Queens Hill development site.

## 7.6 **Archaeology and Historic Assets**

The application site is located within an Archaeologically Sensitive Area and it is also situated less than 200m from Newport Castle which is a Scheduled Ancient Monument.

- 7.6.1 The Glamorgan Gwent Archaeological Trust note that the historic Ordnance Survey maps (1883 to 1937) shows that the application site and surrounding area previously contained structures relating to a Public House, Sunday school and Chapel. They advise that because of the previous construction and development at the site it is likely that any surviving archaeological remains may have already been disturbed and the impact of the proposed development upon the archaeological resource is considered to be low. As a result, there is unlikely to be an archaeological restraint to this proposed development and they raise no objection to the application.
- 7.6.2 CADW in respect of the proximity to Newport Castle were consulted and they have no objection to the proposal.

## 7.7 **Ecology**

The applicant has undertaken a preliminary ecological appraisal and a preliminary roost assessment in respect of bats. The preliminary roost assessment found that there were no bats or signs of bats in or around the building. The assessment concludes that the building has a small number of roosting features suitable for bats. However, there are poor links to

the wider environment and no bat activity was found, as such the building has been assessed as negligible to low suitability for bats. The assessment recommends a precautionary approach and sets out a "reasonable avoidance method statement" which includes contractor compliance with the method statement, the appointment of an ecologist to be retained throughout the works programme and actions if bats are discovered during the works; including applying for a European Protected Species licence.

7.7.1 The preliminary ecological appraisal concludes that nesting birds were observed on site and as such there is potential for an impact on these birds, depending on the timing of works. The appraisal recommends that works which may involve the removal of habitat suitable for nesting birds should be undertaken outside of the bird breeding season.

7.7.2 The Head of Streetscene and City Services (Ecology) has not commented on the proposed development however, it is recognised that the appraisals have been undertaken by a suitably qualified ecologist. As a precautionary approach it is considered necessary to impose a condition requiring development to take place in accordance with the recommendations of the preliminary ecological appraisal and preliminary roost assessment report. It is also recognised that under the Wildlife and Countryside Act 1981 it is an offence to kill, injure or take away the nest of any wild bird. As such an informative is added to alert the applicant to this.

## 7.8 **Drainage**

The proposal does not involve any increase in the impermeable area and as such there would be no net increase in surface water run-off. The applicant intends to connect to the existing combined foul and surface water sewer which runs along Factory Road and Mill Street. They also intend to provide surface water attenuation in the rear car park which would provide some betterment to the existing situation.

7.8.1 Welsh Water has not raised any objection to the foul or surface water connection with the public sewerage system. They do advise that some public sewer and lateral drains may not be recorded on their maps; and that the presence of these assets may affect the proposal. They request the applicant to contact them to establish the location and status of the potential sewer. An informative is added to alert the applicant to this.

## 7.9 **Network Rail**

The application site is located opposite Newport Railway Station and land controlled by Network Rail. Network Rail has no objection to the proposed development however, they advise that demolition works must be carried out in accordance with an agreed method statement; and the approval of the method statement must be obtained from the Network Rail Asset Protection Engineer prior to the commencement of demolition works. As the method statement is required to ensure the works do not endanger the safe operation of the railway, there is a public interest and as such a condition is imposed requiring this statement.

7.9.1 Network Rail also highlights that the current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains. There is also the potential for maintenance works to be carried out on trains, which is undertaken at night and means leaving the trains' motors running. All of these scenarios could lead to increased levels of noise. These comments are noted however, the proposal relates to an office development whereby the same level of protection is not afforded when compared with a residential development.

7.9.2 Network Rail also advise that any plant or scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. The positioning of plant or scaffold fall outside of the planning remit however, an informative is added to alert the applicant to this advice.

## 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 ***Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 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. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

## 9. **CONCLUSION**

9.1 The proposed development is considered to be acceptable. It is considered that the provision of a modernised office building would address the need for higher grade office accommodation across the Authority and it is considered to contribute positively towards revitalising the City and bringing a clear economic benefit to the area. The proposed development is not considered to harm residential amenity, visual amenity, ecology, drainage and it would provide an opportunity to improve car parking provision across the site. It would be in accordance with Policies SP1, SP2, SP9, SP18, GP1, GP2, GP4, GP6, GP7, CE6, H1, T4 and W3 of the Newport Local Development Plan. 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: 0316 RIO 00 ZZ DR A 02000 rev 2, 0316 RIO 00 ZZ DR A 02001 rev 7, 0316 RIO 00 ZZ DR A 02010 rev 2, 0316 RIO 00 00 DR A 01000 rev 9, 0316 RIO 00 01 DR A 01001 rev 6, 0316 RIO 00 02 DR A 01002 rev 6, 0316 RIO 00 03 DR A 01003 rev 6, 0316 RIO 00 04 DR A 01004 rev 6, 0316 RIO 00 05 DR A 01005 rev 6, 0316 RIO 00 06 DR A 01006 rev 6, 0316 RIO 00 00 DR A 01010 rev 1, 0316 RIO 00 01 DR A 01011 rev 1, 0316 RIO 00 02 DR A 01012 rev 1, 0316 RIO 00 03 DR A 01013 rev 1, 0316 RIO 00 04 DR A

01014 rev 1, 0316 RIO 00 05 DR A 01015 rev 1, 0316 RIO 00 06 DR A 01016 rev 1, 0316 RIO XX 00 DR A 90000 rev 11, 0316 RIO XX 00 DR A 90001 rev 3, 0316 RIO XX 00 DR A 90002 rev 1, 0316 RIO XX 00 DR A 90003 rev 1, 0316 RIO XX ZZ DR A 90005, 0316 RIO 00 ZZ VS A 07000, 0316 RIO 00 ZZ VS A 07001, 0316 RIO XX 01 DR A 90004, 17.008 600 rev A, 0316-HYD-XX-00-DR-E-00650 rev P02, C08993-HYD-00-XX-DR-C-7000 rev P02, 6643-BHP-XX-00-DR-C-AT01, Preliminary Ecological Appraisal and Preliminary Roost Assessment Report (Wildwood Ecology, September 2017), Transport Note (Hydrock, April 2018) and Highways Technical Design Note (Hydrock, July 2018).

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 Demolition shall be carried out in accordance with a method statement which shall first be submitted to and approved in writing by the Local Planning Authority. The method statement shall set out measures to protect the safe operation of the railway and its structures.

Reason: To protect the health and safety of railway users.

03 Prior to the commencement of development, to include demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan (CEMP) shall identify the steps and procedures that will be implemented during development resulting from the site preparation, groundwork and construction phases of the development regarding:

- noise mitigation measures - to minimise the creation and impact of noise;
- dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition, February 2003;
- waste disposal;
- details of enclosure of working areas;
- details of contractor parking/compound areas;
- wheel wash facility; and
- traffic management plan including how movements to and from the site will be managed to avoid drop off and collection times associated with St Mary's School.

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

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

04 Prior to any external alterations details/samples of materials and finishes to be used on the external surfaces shall have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out using the approved materials.

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

### ***Pre-occupation conditions***

05 Prior to the occupation of the building following the refurbishment works hereby approved the new access off Mill Street shall be fully constructed in accordance with drawing 0316 RIO XX 00 DR A 90000 rev 11.

Reason: To ensure the development complies with the submitted plans and documents on which this decision was based.

06 Prior to the first beneficial use of the new access off Mill Street the existing access (to the east of the new access) shall be removed in accordance with drawing 0316 RIO XX 00 DR A 90000 rev 11.

Reason: In the interests of highway safety.

07 Prior to the occupation of the building following the refurbishment works hereby approved a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall operate in accordance with the approved plan.

Reason: In the interests of sustainability

### **General conditions**

08 The development shall be carried out in accordance with the recommendations set out in the Preliminary Ecological Appraisal and Preliminary Roost Assessment Report (Wildwood Ecology, September 2017).

Reason: In the interests of protected species.

09 No structures, planting or vegetation shall be permitted above a height of 600mm above carriageway level within any visibility splays as shown in drawing 07577-HYD-XX-XX-M2-TP-0101 P2 provided in the Highways Technical Design Note (Hydrock, July 2018).

Reason: In the interests of highway and pedestrian safety.

### *NOTE TO APPLICANT*

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP9, SP18, GP1, GP2, GP4, GP6, GP7, CE6, H1, T4 and W3 were relevant to the determination of this application.

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

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

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

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

06 The applicant is advised that any scaffold which is to be constructed adjacent to the railway should be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding should be positioned, that in the event of failure, it will not fall on to Network Rail land.

07 Some public sewers and lateral drains may not be recorded on maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The applicant is advised to contact Welsh Water on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

## **APPLICATION DETAILS**

No: 18/0388 Ward: **ALLT-YR-YN, STOW HILL**

Type: Full

Expiry Date: 27-JUN-2018

Applicant: **C/O AGENT, GARRISON BARCLAY ESTATES LTD C/O AGENT**

Site: **22-29, Mill Street, Newport, NP20 5HA**

Proposal: **PART DEMOLITION OF EXISTING BUILDING TO FACILITATE EXTENSION AND REFURBISHMENT FOR OFFICE (USE CLASS B1) REUSE, TOGETHER WITH PROVISION OF VEHICULAR AND PEDESTRIAN ACCESSES, CAR PARKING, LANDSCAPING AND ANCILLARY DEVELOPMENT: SITE PREPARATION AND THE INSTALLATION OF NEW SERVICES AND INFRASTRUCTURE**

### **1. LATE REPRESENTATIONS**

- 1.1 Councillor Fouweather has made the following additional comments on the application.
- 1.2 The application to make use of this building as an office is welcome. However there are concerns that the application does not provide anywhere near enough parking spaces for the number of staff who will work at the site.
- 1.3 The highways department will argue that this site is near the railway station and has bus links. However, you will know that it does not matter how good the public transport links are, staff will come to work by car.
- 1.4 The area in which the application is situated has very limited on street parking availability.
- 1.5 Lucas, Locke and Rose Streets have limited parking. Devon Place has residential parking. Queens Hill only has about ten parking spaces and Queens Hill Crescent and Fields Road are already oversubscribed with residents parking their vehicles. This will leave very few spaces in an area that is already has a heavy parking commitment.
- 1.6 I have taken the time to acquire some figures from the Council on staff parking. There are approximately 800 staff working at the Civic Centre of which 628 of them travel alone in a car. A further 71 staff car share and only 30 staff use public transport despite the Civic Centre having the same transport links as this development.
- 1.7 There is already a lack of parking spaces available so approximately 300 of these cars are parking in neighbouring streets. If you couple this with the additional cars that will come with the Mill Street development this could result in up to another 400 motorist looking for on street parking.
- 1.8 Members will be aware that civil parking enforcement will be happening within the next year. At this time if you walk down into the Baneswell area you will note that there are many vehicles parking illegally. A good number of these vehicles will belong to staff working in the town.
- 1.9 These vehicles will also now be displaced into the Allt-yr-yn ward creating an even bigger demand for on street parking.
- 1.10 Residents who live in Allt-yr-yn should not have to put up with this. There is already a large demand for parking spaces.
- 1.11 I would be grateful if the Committee would consider asking the developer to provide at least 100 parking spaces on this site.

## **2. OFFICER RESPONSE TO LATE REPRESENTATIONS**

- 2.1 Whilst it is acknowledged that there are issues relating to parking demand in the area, as discussed in the officer report, the proposal actually seeks to reduce office floor space and increase parking provision. When taking into account sustainability criteria, in accordance with the Council adopted guidance on parking standards, the proposed offices would actually have an excess of parking spaces to the tune of 20 spaces.

## **3. OFFICER RECOMMENDATION**

- 3.1 The recommendation remains to grant subject to conditions.



**APPLICATION DETAILS**

**No:** 18/0414      **Ward:** CAERLEON

**Type:** FULL

**Expiry Date:** 10-AUG-2018

**Applicant:** MICHAEL FARKAS

**Site:** LAND TO REAR OF, 16, CROSS STREET, CAERLEON, NEWPORT

**Proposal:** PART RETENTION AND PART COMPLETION OF 2NO. DETACHED THREE BEDROOM DWELLINGS (RESUBMISSION OF 17/1162)

**Recommendation:** GRANTED WITH CONDITIONS SUBJECT TO S.106

**1. INTRODUCTION**

- 1.1 This application seeks planning permission for the retention and completion of 2no. dwellings at 16 Cross Street, in the Caerleon Ward. This application is a resubmission of 17/1162 which was refused due to the impact on the amenity of the neighbouring properties. An appeal for that development has also been dismissed by the Planning Inspectorate, although some elements of the existing scheme were considered acceptable. These considerations will be addressed within the body of this report. The application site is wholly located within the urban boundary and lies within the Caerleon Conservation Area. The Council has a statutory duty to ensure development preserve or enhance the character or appearance of the Conservation Area, as designated within the Newport Local Development Plan 2011-2026 (adopted January 2015).
- 1.2 The site previously had and extant planning permission (14/0882) for the erection of 2no. houses. The development that has commenced on site is not in accordance with the approved plans and as such 17/1162 was submitted to retain the works undertaken so far and for their proposed completion. This application was refused however and the scheme being assessed within this application is a resubmission of the previous refusal.

**2. RELEVANT SITE HISTORY**

13/1271	DEMOLITION OF SECTION OF EXISTING BOUNDARY WALL AND ERECTION OF REPLACEMENT WALL AND GATES	GRANTED WITH CONDITIONS
14/0572	PARTIAL DISCHARGE OF CONDITION 01 (SAMPLE PANEL OF WALL) OF PLANNING PERMISSION 13/1271 FOR THE DEMOLITION OF SECTION OF EXISTING BOUNDARY WALL AND ERECTION OF REPLACEMENT WALL AND GATES	REFUSED
14/0882	TWO DETACHED DWELLINGS ON FORMER DIARY SITE	GRANTED WITH CONDITIONS
17/0340	NON MATERIAL AMENDMENT TO PLANNING PERMISSION 14/0882 FOR TWO DETACHED DWELLINGS COMPRISING SINGLE STOREY REAR EXTENSIONS TO EACH UNIT	APPROVED
17/0423	PARTIAL DISCHARGE OF CONDITIONS 02 (MATERIALS), 03 (JOINERY), 04 (FENCE DETAILS),	PART GRANTED/PA

	06 (SLAB LEVEL), 08 (FILL MATERIAL), 10 (ACCESS DETAILS), 11 (SURFACE WATER DRAINAGE) AND 13 (REPAIR OF STONEMWORK AND BRICK WALLS) OF PLANNING PERMISSION 14/0882 FOR TWO DETACHED DWELLINGS ON FORMER DAIRY SITE	RT REFUSED
17/0590	NON MATERIAL AMENDMENT TO PLANNING PERMISSION 14/0882 FOR TWO DETACHED DWELLINGS COMPRISING INCREASE IN ROOF PITCHES FROM 30 TO 40 DEGREES	REFUSED
17/0683	NON-MATERIAL AMENDMENT TO PLANNING APPLICATION 14/0882 FOR 2NO. DETACHED DWELLINGS COMPRISING OF CHANGE IN WINDOW MATERIAL FROM TIMBER TO GREY UPVC	REFUSED
17/0717	PARTIAL DISCHARGE OF CONDITIONS 02 (MATERIALS), 03 (JOINERY), 04 (BOUNDARY TREATMENT), 05 (PROGRAMME OR ARCHAEOLOGICAL WORK), 06 (SLAB LEVEL), 07 (CONTAMINATED LAND), 08 (IMPORTED MATERIAL), 09 (ROOT PROTECTION) , 10 (ACCESS), 11 (DRAINAGE), 12 (CEMP) AND 13 (STONEMWORK DETAILS) OF PLANNING PERMISSION 14/0882 FOR TWO DETACHED DWELLINGS ON FORMER DAIRY SITE	APPROVED
17/0780	VARIATION OF CONDITION 01 (APPROVED PLANS) OF PLANNING PERMISSION 14/0882 FOR THE ERECTION OF TWO DETACHED DWELLINGS TO ADD BRICK PLINTH AND CHANGE IN ROOF DESIGN	WITHDRAWN
17/1162	PART COMPLETION/PART RETENTION OF 2NO. DETACHED DWELLINGS	REFUSED

3.

### **POLICY CONTEXT**

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

- SP1 Sustainability: seeks to ensure the development takes into account sustainable development principles.
- SP9 Conservation of the Natural, Historic and Built Environment.
- SP10 House Building Requirement.
- SP13 Planning Obligations: Proposals of this scale will be required to provide or make contributions to infrastructure.
- CE7 Countryside Protection – Conservation Areas.
- GP1 General Development Principles – Climate Change: This policy seeks to ensure that the development is to withstand climate change over the lifetime of the development.
- GP2 General Development Principles – General Amenity: There is to be no significant adverse effect on the amenity of the existing or new community.
- GP3 General Development Principles – Services Infrastructure: This policy requires justification as to the suitability of the service infrastructure required by the proposal e.g. sewerage.

- GP4 General Development Principles – Highways and Accessibility: The proposal must not detrimentally affect the highway capacity. There must be adequate public access and any new roads must be compliant with the Councils design scheme.
- GP5 General Development Principles – Natural Environment.
- GP6 General Development Principles – Quality of Design: All new development must ensure that they are to achieve good quality design. This is ensuring that the proposal creates a safe, accessible and attractive environment taking into account the context, scale and materials of the design.
- GP7 General Development Principles – Environmental Protection and Public Health: This policy seeks to ensure that there is no unacceptable harm to health from a development.
- H2 Housing Standards: Housing developments will be required to be built to high standards of environmental and sustainable design.
- H3 Housing Mix and Density.
- H4 Affordable Housing.
- T4 Parking: This policy requires adequate level of parking to ensure there is no detrimental impact on the new site or existing community.

#### **4. CONSULTATIONS**

4.1 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: No objection.

4.2 NATURAL RESOURCES WALES: No objection.

#### **5. INTERNAL COUNCIL ADVICE**

5.1 THE HEAD OF STREETSCENE AND CITY SERVICES (DRAINAGE):

##### **Initial Response**

- Whilst the proposed soakaways are positioned under 5m of the proposed properties they have been designed with additional capacity as well as an elongated shape that conveys water away from the building. Furthermore, the agent advises that the soakaway is positioned substantially under any proposed foundation, thereby mitigating further risk;
- The proposed soakaway is positioned over 2m from the adjacent boundaries, therefore adhering to BRE 365;
- Whilst a depth of soakaway has been proposed (1.5m), no invert (AOD) level has been proposed. I therefore suggest that the applicant takes this into account to ensure that no potential detrimental impact is caused to adjacent properties, and that invert levels of the soakaway are positioned appropriately

##### **Final Response**

Upon review of the additional information, it is advised that the bottom (invert) of both soakaways is significantly less than the ground levels of the adjacent properties.

I therefore do not have any further objection or comment.

5.2 THE HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): It is unclear whether the applicant intends to alter the access arrangements as agreed as part of the previously approved application. I require confirmation of the proposed access arrangements for consideration.

The applicant has shown that 3 off street parking spaces will be provided for each property, however I would question the suitability of the layout for plot 2. Given the boundary associated with no.14 I would question whether a vehicle could access the parking space as shown. The applicant will need to demonstrate that this is achievable by submitting a swept path analysis.

5.3 THE HEAD OF STREETSCENE AND CITY SERVICES (WASTE MANAGER): No objection.

- 5.4 THE HEAD OF STREETSCENE AND CITY SERVICES (TREES): No objection.
- 5.5 THE HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH): No objection.
- 5.6 THE HEAD OF LAW AND REGULATION (PLANNING CONTRIBUTIONS):

### **1. Introduction**

This Draft 'Head's of Terms' relates to planning application 18/0414 for the development of 2x 3 bed houses at the rear of 16 Cross Street, Caerleon, Newport.

In accordance with the Adopted Newport Local Development Plan – Policy H4 – Affordable Housing, there is a policy requirement for sites of fewer than 10 dwellings within the settlement boundary, or fewer than 3 dwellings within the defined village boundaries, to provide a commuted sum contribution to assist the Council in meeting its on-going requirement for affordable housing. The following planning obligation is required to mitigate the impact of the development and create a sustainable development.

### **2. Affordable Housing Contribution**

Commuted sum payments for affordable housing will be sought on sites of fewer than 10 dwellings within the Housing Target Area of Rural Newport, based upon a 40% target. The methodology for establishing the housing target areas and calculating the associated payments is set out within the adopted [Affordable Housing SPG \(August 2015\)](#).

Based upon a net increase of 2 x3 bed house, and subject to economic viability, a commuted contribution of £5118 (or £2559 per unit) would be requested for affordable housing provision.

Affordable Housing Sums will be index linked to the Retail Price Index. Payments will be staggered and directly related to occupancy rates.

## **6. REPRESENTATIONS**

- 6.1 NEIGHBOURS: All properties sharing a common boundary with and opposite the application site have been consulted (16no. properties), a site notice was posted at the site and a publicity notice was posted in the South Wales Argus. 3no. of properties have objected to the application.

### 15 Cross Street

The development will cause the following impacts;

- Overlooking;
- Loss of privacy;
- Overbearing impact;
- Loss of light.

### 15a Cross Street

- Despite the amendments the development will still be overbearing and infringe on our privacy;
- Despite the reduction in roof pitch and reduced height the building is still closer to our boundary than the approved permission;
- The amended plans still fail the 25 degree and 45 degree tests for natural light from our property.
- The roof pitches of the two properties are different which causes an issue as the properties are located within a Conservation Area. New buildings are supposed to be in keeping with existing buildings and their surroundings and two properties with different designs and roof types would flout this;
- The issues of insufficient amenity space has not been addressed and is below the guidelines;
- The proposed soakaway does not meet the necessary standards and would cause flood risk issues.

## 90 Mill Street

- The two properties still stand in extremely close proximity to our boundary which is totally inadequate;
- The size, mass and scale of the new property (Plot 1) will be very overbearing with a huge loss of light, overshadowing to our property and impact on privacy;
- The proposed non opening and obscure glazed windows would continue to look like windows and have the psychological effect of being overlooked and undermining our privacy and it would be impossible to stop future residents replacing them with clear glazed opening windows and enforcing this would cause distress to everyone including future residents;
- We spend a lot of time in our garden which will have a massive loss of privacy;
- The soakaways even with increased depth impose a significant flood risk due to the inadequate distance to the rear boundary;
- The design differences between the proposed two properties will result in there no longer being a symmetrical appearance which wouldn't be suitable in the Conservation Area.
- Have requested to speak at the committee meeting to represent the neighbours.

6.2 COUNCILLORS: Giles and Hughes have requested that the application is called to committee in order to assess the impact on the privacy and 'perceived overlooking' of the neighbouring properties. Councillor Hughes has also requested to speak at committee.

## **7.0 ASSESSMENT**

7.1 The application seeks to retain and complete 2no. dwellings which were granted planning permission under 14/0882, however work has started on site which is not in accordance with the approved plans as both properties were constructed closer to the rear boundary than approved. The principal of the development on this site is acceptable however a previous application (17/1162) for the retention and completion was refused, and this application is aiming to overcome the below reasons for this refusal;

*"01 The development, notably first floor habitable room windows of the building and the increased mass closer to the rear boundary will result in a significant overlooking to the rear garden of 90 Mill Street and 15a Cross Street, causing harmful loss of privacy to their private garden space and having an unneighbourly effect to the detriment of their amenity, contrary to Policy GP2 of the Newport Local Development Plan 2011-2026 (adopted January 2015).*

*02 The drainage information submitted is not considered sufficient and the proposal has an adverse impact upon interests of acknowledged importance, namely drainage and residential amenity and is contrary to Policy GP2 (General Amenity) of the Newport Local Development Plan 2011-2026 (adopted January 2015)."*

7.2 As the site has permission for 2no. detached dwellings (14/0882) and an application has been refused for their retention and completion (17/1162), it is considered appropriate for the assessment of this application to specifically focus around the two reasons for refusal. A summary of the amendments to the refused scheme shown below;

### Plot 1

- 2no. oriel style windows replacing existing 2no. transparent windows in the first floor rear elevation. An oriel window is a projecting window which incorporates two solid faces in order to prevent direct views to 90 Mill Street and 15a Cross Street.
- 2no. roof windows in rear elevation;
- The roof pitch has been decreased from 40° to 35° which reduces the ridge height to 7.3 metres, which is 0.55 metres above the approved height under 14/0882 but lower than refusal 17/1162 by 0.35m.

### Plot 2

- The first floor has been set back and returned to the originally approved location under 14/0882 and the ground floor will remain in its currently built location;
- The roof pitch has been decreased from 40° to 30° which returns the ridge height to within 0.15m of that approved under 14/0882.

### Site Drainage

- A new soakaway system has been designed with a greater capacity in order to overcome the concerns raised under the refused application 17/1162.

### 7.3 **Assessment of Plot 1 (Nearest to 90 Mill Street)**

7.4 The encroachment of this property towards the rear of the site and subsequently 90 Mill Street was previously considered by the Local Planning Authority to cause a harmful overlooking and loss of privacy to the rear garden of 90 Mill Street, under application 17/1162. However, within the recent appeal decision the Inspectorate has concluded that the overlooking to the rear garden of 90 Mill Street would not materially harm amenity. Paragraph 8 of Appeal APP/G6935/A/18/3199346;

*“Notwithstanding the fact that the proposed dwelling for plot 1 is closer to the rear boundary with No. 90 than the previously permitted dwelling and is less than 10 metres away from the boundary as advised in the SPG, nonetheless it would not materially harm amenity over and above that which currently exists or which has been permitted, in terms of views into No. 90. The vast majority of the garden to No. 90 would still be at a significant distance from the proposed dwelling and would be in excess of the ‘back to back’ separation distances advocated in the SPG; within a built up area some degree of overlooking is almost unavoidable.”*

7.5 The decision of the Planning Inspectorate is a material consideration when determining this application. The applicant has proposed 2no. oriel windows. Each oriel window would measure 1.0m wide by 1.2m in height. The oriel window serving the bathroom would have an opaque elevation to the left hand side in order to prevent views towards 15a Cross Street, this would be vertically clad in grey timber to create a feature which is more visually appealing than a blank elevation. The right hand window would be a grey casement window to match the windows proposed throughout the property and would be obscure glazed, with a top hinged opening window. The oriel window serving the dressing room would have the same appearance as the oriel window serving the bathroom, however the right hand window would have a clear window, as any views would be directed away from the rear garden and elevation of 90 Mill Street towards the north west. Bearing in mind the decision of the Inspector at appeal and the attempts of the applicant to improve the situation by submitting a design with the described oriel windows, it is considered that there would be no direct and harmful overlooking or perception of overlooking to the rear garden of 90 Mill Street. The pitch of the roof has been decreased from 40° as proposed under 17/1162 to 35° which reduces the proposed height from 7.65 metres to 7.3 metres. Whilst this would be greater than the previously approved height of 6.75 metres, it is considered to be acceptable and would not materially worsen the impact on the amenity of any neighbouring residential properties. Overall, giving weight to the appeal decision and considering the design amendments made, it is considered that Plot 1 complies with the aims of Policy GP2 (General Amenity) of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the “New Dwellings” SPG (adopted August 2015).

### 7.6 **Assessment of Plot 2 (Nearest 15a Cross Street)**

7.7 The increase in ridge height and encroachment of this property towards the rear of the site and towards 15a Cross Street was previously considered to cause a harmful loss of privacy and overbearing impact. The Planning Inspector agreed with this assessment at appeal,

dismissing the appeal on these grounds. In relation to the overlooking impact the Inspector stated;

*“Based on my site observations, it was clear, notwithstanding the erection of any 2 metre boundary fence, that there would be a significant increase in overlooking into the relatively modest sized garden to the rear of 15a Cross Street over and above that which would have been likely under the permitted scheme... in the case of 15a Cross Street, a significant proportion of the modest garden would be subject to a greater degree of overlooking than that which was likely to be the case in the previously permitted scheme, resulting in a substantial loss of privacy; this runs contrary to policy GP2 of the LDP.”*

7.8 In relation to the overbearing impact the inspector stated;

*“The Council’s planning report states that the proposed dwelling on plot 2 would have an overbearing impact on 15a Cross Street by virtue of its increased height and closer proximity to the rear boundary. The appellant considers that as the Council have accepted there is no overbearing impact of proposed plot 1 on No. 90, then it follows there will be no such impact of plot 2 in terms of 15a Cross Street; I disagree... The proposed dwelling on plot 2 would be much closer to the rear boundary and be significantly taller than that previously permitted. Notwithstanding the appellant’s arguments to the contrary, this results in a more dominant and overbearing structure with any effect compounded by the significant change in levels; this runs contrary to policy GP2 of the LDP which seeks to safeguard amenity with particular regard to the overbearing nature of development.”*

7.9 The encroachment at ground floor is not considered to cause an issue and as such this is proposed as being retained as built so far, in situ. The scheme has been amended in order to overcome the overbearing and overlooking impact on 15a Cross Street by recessing the position of the first floor to that of the originally approved permission 14/0882. This maintains the 10m separation distance to the rear boundary at first floor which was considered acceptable in the original permission. The proposed ridge height has also been returned to the existing height approved. As such, it is considered that the potential for overlooking and overbearing impact is no different to that considered acceptable under the original permission and Plot 2 would not cause any impact to the amenity of 15a Cross Street over and above the approved scheme. In the previous application it was concluded that there would be no harmful impact on the sunlight received by this property, this remains the same.

7.10 15 Cross Street has objected on the grounds that the proposal at Plot 2 would cause a loss of light, loss of privacy and overbearing impact on this property. The scheme is the same height and scale as previously approved and whilst the footprint has moved towards the rear of the site, this is not considered to cause any material impact over and above the originally approved scheme. The Inspector concluded in his assessment that the previous scheme caused no harmful impact on this property and as such the relationship between Plot 2 and 15 Cross Street is considered acceptable.

7.11 Overall, it is considered that both Plot 1 and Plot 2 comply with the aims of Policy GP2(i) of the Newport Local Development Plan 2011-2026 (adopted January 2015).

### **Design**

7.12 The objections received have noted the location of the site within the Caerleon Conservation Area and have claimed that the design changes between the 2no. proposed properties and their difference in heights would cause a harmful impact on the character and appearance of the conservation area. Throughout the immediate vicinity there are properties that have a range of roof forms, heights, appearance, materials and massing. Whilst the 2no. proposed properties had previously been symmetrical previously, the height

difference would be the only obvious difference between them when viewed from the public realm. It is not considered that this in itself would cause any detrimental impact on the Caerleon Conservation Area and would preserve the character or appearance, thus complying with the aims of policy CE7 (Conservation Areas) and GP6 (Quality of Design) of the Newport Local Development Plan 2011-2026 (adopted January 2015).

**7.13 Drainage**

7.14 Two of the responses received from neighbours object to the proposed soakaway systems proposed and raise concerns regarding flood risk and the impact this would have on 15a Cross Street and 90 Mill Street. A soakaway system has been proposed which includes an additional capacity and elongated shape that conveys water away from the building and is positioned substantially under any proposed foundation, thereby mitigating any further risk. The proposed soakaway is located over 2 metres from the adjacent boundaries, therefore adhering with BRE 365. The Inspector concluded that the details submitted in the previous application were acceptable and caused no detrimental impact to either drainage within the area or the amenity of any occupants in nearby dwellings. This application has provided further information to justify the amended drainage scheme and the depth of the soakaway and invert levels are considered acceptable. The Head of Streetscene and City Services (Drainage Manager) has offered no objection to the proposal.

**7.15 Highways**

7.16 The Head of Streetscene and City Services (Highways) has questioned whether the access is proposed as per the approved 14/0882 scheme. Each plot proposes 3no. spaces and he has questioned the suitability of the parking layout for Plot 2, in particularly the third space proposed. The previously approved scheme was approved with 2no. spaces and even if the third space at Plot 2 was not suitable, the overall scheme would still have provided an extra space over the approved scheme and as such there is an improvement to the fall-back position. The access is proposed as per the approved application and details of this have been submitted within this application. The appropriate standard conditions regarding materials of the access can be attached to any permission. As such it is considered that the proposal accords with Policy GP4 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

**7.17 Other Matters**

7.18 The objections state that the amenity space available for future occupiers of the 2no. properties is insufficient. The amenity plan provided demonstrates that the useable amenity space available to both properties meets the minimum standard (1sqm of amenity space per 1sqm of a unit's footprint) and it acceptable as per the "New Dwellings" SPG (Adopted August 2015).

**7.19 Section 106 Planning Obligation matters**

**Summary**

7.20 In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011-2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location. In this case, section 106 planning obligations are required to mitigate the impact of the development in accordance with the table below.

Service Area that requires planning	Purpose of planning obligation	Planning obligation initially sought	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
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<b>obligation</b>		<b>by Planning Authority</b>		
<i>Regeneration, Investment and Housing</i>	<i>Affordable housing provision based on 40% target</i>	<i>Commuted contribution of £5,118.</i>	<i>Full Heads of Terms Agreed.</i>	<i>No</i>

7.21 The applicant has confirmed that they agree in full to the Heads of Terms.

## **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 *Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 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. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

## **9. CONCLUSION**

9.1 The proposal by way of its location, scale and design, would not cause an adverse impact on highway safety, the Caerleon Conservation Area or the residential amenity of the neighbouring properties over and above the originally approved scheme and as such it is

recommended that the application is granted with conditions subject to the S.106 Agreement.

## 10. RECOMMENDATION

### GRANTED WITH CONDITIONS SUBJECT TO S.106

01 The development shall be implemented in accordance with the following plans and documents; Drawing Number: MF/DR/01 – Drawing Showing Outline of Granted Permission and Distance to Boundary; Drawing Number: MF/DR/02 – Site Plan; Drawing Number MF/DR/03 – Parking/Amenity Space; Drawing Number: DR/04/12 Rev B – Floor Layouts and Elevations (Plot 1 - Received 20/06/2018); Drawing Number DR/04/15 – Site and Drainage Layouts; Drawing Number DR/04/16 – Floor Layouts and Elevations (Plot 2); Drawing Number MF/SA/01 – Soakaway Calculations and Installation; Site Entrance Details; Materials List; Construction Environmental Management Plan  
Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based

#### ***Pre –occupation conditions***

02 Prior to the first beneficial use of either of the approved dwelling houses a 2.0m high close boarded boundary fence along the north eastern boundary of the site shall be erected, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The fence shall then be retained thereafter in perpetuity.  
Reason: In the interests of residential amenity.

03 Prior to the first beneficial use of either of the approved dwelling houses, the first floor window in the south east and north west facing side elevations of the dwelling houses hereby permitted shall be permanently glazed with obscure glass and shall be top hung casements and retained in that state thereafter.  
Reason: In the interests of neighbour amenity.

#### ***General Conditions***

04 The external materials and finishes of the properties shall be completed in accordance with the 'Materials List' hereby approved or in accordance with any other details firstly submitted to and approved in writing by the Local Planning Authority.  
Reason: To ensure the development is completed in a manner compatible with its surroundings.

05 The first 5 metres of the shared access shall be hard paved in 'Kandla Grey Indian Sandstone Cobbles' as proposed in the submitted 'Site Entrance' document or in any other material details of which have been submitted to and approved in writing by the Local Planning Authority. This shall be installed prior to the first occupation of either of the dwellings hereby approved and retained in that state thereafter.  
Reason: In the interests of highway safety and to prevent debris being carried onto the highway.

06 The development shall be completed in accordance with the submitted 'Construction Environmental Management Plan' or any other Construction Environmental Management Plan firstly submitted to and approved in writing by the Local Planning Authority.  
Reason: To protect the amenity of the nearby residents.

07 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order), Schedule 2, Part 1, no development within Classes A, B, C, D, or E shall be carried out without the prior written permission of the Local Planning Authority.  
Reason: To ensure that a satisfactory form of development takes place and to protect the amenities of occupiers of adjoining properties.

08 Notwithstanding the details provided, within 1 month of this approval 1:5 scale details of joinery shall be submitted to the Local Planning Authority for approval. This shall include

vertical / horizontal section(s) through proposed windows. The development shall be implemented in accordance with the approved details and retained thereafter.  
Reason: In the interest of safeguarding the character and appearance of the Conservation Area.

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: Design and Access Statement; Drawing Number 101 Rev B – Foundation Drawing G.A. Plan and Typical Details; Archaeological Watching Brief WB/CA/17; Geo-Environmental Desk Study; Gradation Analysis Test Report; Supporting Statement RE Design Changes; Supporting Information on Soakaways

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP6, GP7, SP9, SP13 and H4 were relevant to the determination of this application.

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

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

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### 3

#### APPLICATION DETAILS

**No:** 18/0570      **Ward:** MARSHFIELD

**Type:** FULL

**Expiry Date:** 15-AUG-2018

**Applicant:** LEE & STACEY JONES

**Site:** 68, MARSHFIELD ROAD, CARDIFF, CF3 2UW

**Proposal:** REMOVAL OF SINGLE STOREY EXTENSION AND OUTBUILDING AND ERECTION OF SINGLE STOREY AND TWO STOREY REAR EXTENSION

**Recommendation:** GRANTED WITH CONDITIONS

#### 1. INTRODUCTION

- 1.1 This application seeks planning permission for the erection of a single and two storey rear extension at 68 Marshfield Road, a semi-detached property. The extension would in part replace the existing single storey rear flat roofed structure. The proposal includes a new entrance with a porch above in the side elevation along with a variety of internal alterations. No alterations are proposed to the front elevation.
- 1.2 The application is brought before Planning Committee at the request of Councillor Tom Suller, for the reasons that it would be overbearing and would result in privacy issues for other residents.

#### 2. RELEVANT SITE HISTORY

17/0564	ERECTION OF TWO STOREY REAR EXTENSION	Granted with Conditions
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#### 3. POLICY CONTEXT

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

#### 4. CONSULTATIONS

- 4.1 DWR CYMRU/WELSH WATER: Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts us on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

## 5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): I'm satisfied that sufficient space is available on the driveway for 3 vehicles to park. The applicant must however contact Streetscene to apply for the extension of the drop kerb and vehicle crossover.

## 6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties that share a common boundary with the application site were consulted (5No addresses). Three representations were received, objecting on the following grounds:

- Impact upon privacy of no. 69 – proposed balcony and side windows overlooking rear garden,
  - Overshadowing rear garden (no. 69).
1. There are no other two-storey-double-extensions in this row of properties built in the 1930s. Were this application to be approved, it would set a precedent for other properties in the vicinity to have two-storey-double-extensions.
  2. There is already minimal protection for residents from such overbearing, incompatible, over-developments. This additional application goes too far.
  3. Permitting two-bed properties to be over-developed to this extent will mean such properties are less and less accessible on the local market. Once 17/0564 was approved last year, the property was subsequently placed on the market and sold for a premium due to the planning consent given.

Impact on 6 Vicarage Court (to the rear):

1. The proposal is over-bearing and not compatible with existing development in the vicinity.
  - a. There are no other two-storey-double-extensions in the vicinity.
2. There would be an adverse effect on the character of the neighbourhood due to over-development of the property.
  - a. There would also be an adverse impact on the residential amenity of neighbours, due to overlooking, loss of privacy and subsequent reduction in quality of life.
  - b. There would be significant loss of privacy to adjoining neighbours, including direct line of sight from the proposed 'Juliet balcony' into an upstairs toilet and bathroom at our property.
3. The existing structure at No. 68 does not have any high-level protected windows at the rear elevation and therefore does not currently overlook our property. In contrast, the proposed plans would remove, to all intents and purposes, the 'essential privacy' of our 'particularly important' area<sup>[1]</sup>.
  - a. Bearing in mind that the 'original central point' of our garden should be calculated according to the rear property boundary as shown on the plans which is at least a metre closer to No. 68 than the current location of our fence. As the plans make clear the boundary is where the rear wall of the concrete garage/shed used to be before it was demolished and all signs of it removed. It is to be noted that a very large wooden structure with a concrete base has recently been constructed by No. 68 over the boundary line.
  - b. Examining the plans we can see that the hedge removed by the previous occupant at No. 68 belonged to us. This hedge provided valuable screening and should be reinstated.
  - c. The extent of upper storey extensions to similar properties shown on the site location plan are not on properties that have the same combination of proximity and viewing angle to their neighbouring properties that exists between No. 68 and our property. Nor do those other properties indicated have full width extensions. The depth and full width nature of the proposal contributes to it being an imposing incompatible over-development for the vicinity.

[1] 'essential privacy' and 'particularly important' reference page 27 section 5.5.4

[\* OFFICER COMMENT – it should be noted this draft document has been superseded, the Council’s current Supplementary Planning Guidance, “House Extensions and Domestic Outbuildings” was adopted in August 2015.]

Impact on 67 Marshfield Road (attached):

1. The negative impact on the light coming into our rear bedroom. Our bedroom window is immediately adjacent to the proposed extension first floor wall. The proposed first floor plans show an extension which is not level with our property and which extends beyond our back property wall by a metre or more. As the extension would not be level with our property, our bedroom will not only have reduced light but as our window is only 67cm from the edge of the proposed extension wall, it will also have a restricted view, looking out onto the first floor wall of the extension.
2. The proposed plans, extending significantly beyond our first floor back wall, would also make number 68 look much larger and out of place with the neighbouring properties. We feel that the plans could be easily amended to provide a first floor with a back wall level with our property. This would be less bulky and more in keeping with the neighbouring properties and if that was the case, we would be happy for permission to be granted.
3. On the new plans, the proposed extension is a significant increase to the property’s volume and also much larger than the other residences on this part of Marshfield Road. The side windows will look onto 69 Marshfield Road and the bedroom with the balcony is overlooking the gardens of nos 67 and 69 Marshfield Road and 6 Vicarage Gardens.
4. The ground floor is on the same plane as no 67 yet the first floor is not. This means that the adjoining ground floor rooves will have a different pitch.

- 6.2 MARSHFIELD COMMUNITY COUNCIL: offers the following observations and concerns relating to neighbourly concerns, reduced quality of life and loss of privacy resulting from the above planning application.

This single and two storey proposed extension would appear to be out of proportion to the original build of a two bedroom property. This application proposes to double the size of the original build and seems out of keeping with other neighbouring extensions.

The property is situated on the main busy Marshfield Road. The safety on this road is always of concern. There are two road bends in close proximity and the heavy goods vehicles, speed of the traffic, and school parking make this road highly dangerous at most times of the day to both pedestrians and drivers. Any vehicles parking in the road in connection with a construction build / deliveries will exacerbate this problem.

A hedge at the rear of this property was owned and within the rear neighbours boundary. The erroneous removal of this hedge gives the impression that the rear boundary of No. 68 is further than it actually is. Consequently it is deceiving as to the extent that this application will extend into the garden of this property.

The size of the extension will affect the neighbour’s to both the side and rear. Both their light and privacy will be reduced. In particular the closeness of the two storey extension with balcony will allow direct sight into the downstairs living space and bedrooms of the properties at the rear.

## 7. ASSESSMENT

- 7.1 The extension would project beyond the rear two storey elevation of the dwelling by 7.4 metres and measure 8.0 metres in width. The full width two storey element of the extension would measure 7.9 metres in height to the ridge, the narrower two storey element (4.5 metres width) would measure 7 metres in height to the ridge, both elements would be 5.7 metres to the eaves. The single storey element would be mono pitched, it would measure 4 metres in height to the ridge and 2.5 metres to the eaves.

- 7.2 Planning permission was recently granted in September 2017 (17/0564) for a smaller rear two storey extension, while this is a fall back position, this application should consider the current proposal as a whole.
- 7.3 It is proposed to insert 2 first floor and 2 ground floor windows and a door in the south side elevation of the extension and an enlarged entrance and first floor window to the south-east side elevation of the existing dwelling. All windows in the south-east elevation would be obscure glazed. On the rear elevation, it is proposed to insert a window and patio doors with Juliet balcony at first floor and a two patio doors and two rooflights at ground floor. Materials would match those of the existing dwelling. On the south east, side elevation a canopy / porch is proposed over the new entrance door.
- 7.4 The comments of the objectors and Community Counsel have been noted. In response to this the Agent has submitted a rebuttal statement. The application site is bounded on three sides by residential dwellings, as such the impact upon those to the north-east / rear (6 Vicarage Court), to the north-west / attached (67 Marshfield Road) and south-east / adjacent (69 Marshfield Road) has been considered in turn. Window positions have been approximated from the planning officers site visit and neighbouring planning history (08/0584 and 10/0161).
- 7.5 **Sunlight & Daylight:** The house extensions and domestic outbuildings SPG (Aug-2015) sets out tests for loss of light, this relates to neighbours' habitable rooms. In most cases, a proposal that fails the 25° test in relation to a neighbour's protected window will not receive planning permission. Similarly, a proposal that fails two or more of the 45° tests in relation to a single protected window is unlikely to be acceptable.
- **Impact on no. 6:** The extension will be approximately 33 metres from the closest habitable room and passes the 25° test. While the 25° test relates to habitable rooms rather than gardens, it is worth noting the extension will be approximately 19 metres from the rear garden boundary and would also pass the 25° test.
  - **Impact on no. 67:** The proposal passes both the 45° vertical and horizontal test.
  - **Impact on no. 69:** There is one first floor side window in no.69 that faces the side elevation of the existing dwelling. The proposed extension would be situated to the north of the window in question. From the rear elevation the proposal fails the 45° horizontal test in relation to the kitchen and the utility / garden room however it passes the vertical test in relation to both the ground floor rear windows.
- 7.6 **Overlooking / privacy:** In order to preserve residents' privacy in their homes, suitable separation distances must exist between new high-level protected windows and the protected windows in neighbouring houses. The Council's SPG sets out assessment for the loss of perceived space. In relation to protected windows and separation distances
- i) *Protected windows that face one another should be at least 21.00 metres apart (unless separated by permanent structures or evergreen trees protected by Tree Preservation Orders),*
  - ii) *Protected windows that do not face one another may be less than 21.00 metres apart.*

and in relation to protected windows and adjacent gardens:

*When judging whether the distance between a high-level protected window and a neighbouring garden is suitable, the Council will consider, amongst other things, the shape, size and layout of the garden and the effects of ground levels, outbuildings and boundary treatments (e.g. hedges and fences).*

- 7.7 The application proposed a first floor patio door with Juliet balcony to the first floor rear elevation. While the doors will have a larger surface area, the Juliet balcony (flush to the building) would not afford the opportunity for someone to "step out" of the building or lean out any more so than a normal window.
- **Impact on no. 6:** While it is acknowledged no. 6 currently experiences a high level of privacy in comparison to its immediate neighbours, due to the fact there are no first floor habitable rooms (although 17/0564 introduced two first floor windows). The rear first floor elevation will be 7.4 metres closer, than the existing dwelling (and 2.9 metres

closer than the 17/0564). This will still be approximately 33 metres from the closest habitable room in no. 6, significantly over the minimum distance set within the SPG.

The application site would retain a garden length of approximately 19 metres. While the exact boundary location is disputed by the neighbour this would not considerably alter this assessment.

[NB Boundary disputes are a civil matter and not a material planning consideration].

- **Impact on no. 67:** No side windows are proposed facing no. 67.
- **Impact on no. 69:** Three new first floor windows face the side elevation of no. 69, these serve (from right to left), a stairwell, a shower room and an ensuite shower room, none of which are habitable. It should be noted an existing bathroom window in the existing dwelling will be removed. The stairwell window will be closest to the side window of no.69, with the two ensuite windows facing towards the rear garden/ patio area of no. 69. A condition is recommended to ensure all 3 windows are obscure glazed and fixed shut to a height of 1.7 metres above first floor level to ensure there is no overlooking of the neighbouring property.

7.8 **Overbearing:** The Council's SPG sets out assessment for the loss of perceived space and visual amenity, it notes development that reduces the distance between a neighbouring protected window and a proposed blank two-storey elevation to less than 14 metres is unlikely to be acceptable.

- **Impact on no. 6:** The extension will be approximately 33 metres from the closest habitable room (and approximately 19 metres from the garden).
- **Impact on no. 67:** There are no side windows in no.67 facing the extension.
- **Impact on no. 69:** The existing side window to no. 69 already faces the existing 2 storey dwelling, and the proposed extension will not have further overbearing impact.

7.9 Overall the proposal is not considered to result in a detrimental impact on residential amenity by way of overbearing impact, loss of light or loss of privacy in this instance and is in accordance with policy GP2.

7.10 The proposed extension would be visible from the rear windows and gardens of surrounding properties albeit it is concealed from public vantage points. In the context of the variety of house styles and existing extensions it is considered that the proposed extension would not appear incongruous in terms of its design. The roof pitch will match that of the attached dwellings rear extension and the choice of materials it is considered to respect the character and design of the existing property. The proposed porch is a simple design and considered to complement the building.

7.11 The application site is located within the village boundary of Marshfield in a residential area as defined in LDP. The proposed extensions would leave adequate usable amenity space for occupiers (approximately 200sqm) of the property and as such is not considered to be an overdevelopment of the site.

7.12 The existing property has 2 bedrooms which would generate a parking requirement of 2 spaces. There are no alterations to the existing 3 spaces to the front on hardstanding and the additional bedrooms created would increase the parking requirements of the property to 3 spaces and as such is compliant with the Parking Standards 2015. Highways satisfied that sufficient space is available on the driveway for 3 vehicles to park.

7.13 Other Matter Raised (6 Vicarage Court, Point 3a): The timber outbuilding is not part of the application.

## 8. OTHER CONSIDERATIONS

### 8.1 ***Crime and Disorder Act 1998***

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



## 8.2 **Equality Act 2010**

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

## 8.3 Having due regard to advancing equality involves:

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

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

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

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

## 8.7 **Newport's Well-Being Plan 2018-23**

The Wellbeing of Future Generations (Wales) Act 2015 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. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

## 9. **CONCLUSION**

9.1 The design and materials are in keeping with the character of the semi detached dwelling and the surrounding area. The extension is not considered an overdevelopment of the site, and does not raise any highways concerns. It is not considered that there would be an unacceptable impact on the amenity of neighbouring occupiers when assessed against the adopted policies and guidance and is therefore recommended for approval.

## 10. **RECOMMENDATION**

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: P1, P4, P5, P6 P7, P8 and OBJECTIONS / ADVICE DRAWING NO. 2.

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

### **General conditions**

02 The external surfaces of the extension hereby approved shall be of materials to match those of the existing dwelling.

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

03 Prior to the first use of the extension hereby approved, the three first floor side windows to the south east elevation shall be fitted with obscure glazing and fixed shut to a minimum of 1.7 metres above first floor level and shall be retained in that state thereafter.

Reason: To protect the privacy of adjoining occupiers.

**General conditions**

04 No window or door openings (other than those shown on the approved plan) shall be formed in either side elevation of the extension hereby approved.

Reason: To protect the privacy of adjoining residents.

05 The parking facilities as shown on drawing "OBJECTIONS / ADVICE DRAWING NO. 2 received 26 July 2018 shall be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

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

*NOTE TO APPLICANT*

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

02 House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted August 2015) and Newport City Council Parking Standards (Adopted August 2015) was relevant to the determination of this application.

03 Some public sewers and lateral drains may not be recorded on 1991 Dwr Cymru Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts us on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

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**APPLICATION DETAILS**

**No:** 18/0301      **Ward:** **ROGERSTONE**

**Type:** FULL

**Expiry Date:** 24-JUN-2018

**Applicant:** CLARE WOODWARD, EVOLVE FIT

**Site:** LAND AND BUILDING ENCOMPASSING FORMER AVANNA BAKERY CANTEEN, ROAD D, WERN INDUSTRIAL ESTATE, NEWPORT

**Proposal:** CHANGE OF USE FROM USE CLASS B1/B2/B8 TO USE CLASS D2 (GYM AND FITNESS CLASSES)

**Recommendation:** REFUSED

**1. INTRODUCTION**

- 1.1 This application seeks full planning permission for the change of use of the former canteen (312sqm) located on the first floor with the former Avana Bakery site, to a fitness facility and Gym which falls within Class D2. The building is within the Wern Industrial Estate in the Rogerstone Ward. Avana Bakery operated at the site for many years and the site has a whole is considered to fall within Use Class B2 (General Industry).

The application is brought before Planning Committee at the request of Councillor Chris Evans for the reasons that access/safety concerns could be resolved by asking that all fitness club members be given a short health and safety briefing prior to joining and that NCC should be supporting healthier lifestyles in line with the future wellbeing guidance and encouraging small business.

**2. RELEVANT SITE HISTORY**

89/0506	ERECTION OF EXTENSION TO FACTORY TO PROVIDE NEW DESPATCH FACILITY	Granted with Conditions
90/0807	THREE STOREY SIDE EXTENSION	Granted with Conditions
91/0059	PROPOSED OVERCLADDING OF EXISTING FACTORY	Granted with Conditions
91/0105	OVERCLADDING OF ROOF	Granted with Conditions
91/0162	OVERCLADDING OF PART OF EXISTING BUILDING	Granted with Conditions
91/0389	SINGLE STOREY ELECTRICAL SWITCH ROOM AND TRANSFORMER HOUSE EXTENSION TO TRAY-WA	Granted with Conditions
01/1121	ERECTION OF EXTENSION TO EXISTING FOOD PRODUCTION FACILITY	Granted with Conditions
03/0039	ERECTION OF EXTENSION TO EXISTING FOOD PRODUCTION FACILITY (AMENDMENT TO PLANNIN	Withdrawn
03/0799	ERECTION OF EXTENSION TO EXISTING FOOD PRODUCTION FACILITY	Granted with Conditions
03/1398	VARIATION OF CONDITION 01 (IMPLEMENTATION OF PARKING, LOADING AND ACCESS AREAS)	Granted with Conditions
03/1398	PARTIAL DISCHARGE OF CONDITIONS 02 (MATERIALS) AND 03 (LANDSCAPING) OF PLANNING	Granted with Conditions
03/1399	ERECTION OF EXTERNAL LIGHTING TO BUILDING AND CAR PARK	Granted with Conditions
04/0079	RETENTION OF 3NO. FLOUR SILOS FOR THE EXISTING FOOD PRODUCTION FACILITY	Granted

### 3. POLICY CONTEXT

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

Objective 9 (Health and Well-being) seeks to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.

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

Policy SP2 (Health), seeks to maximise development positive contribution to health and well-being by being located in the most sustainable locations, close to public transport and provide efficient walking and cycling routes and other green infrastructure, the supporting text notes that development in locations that are only accessible by the car then the likelihood of people walking to destinations is greatly decreased.

Policy SP12 (Community Facilities), supports community facilities including sports halls and gymnasiums in sustainable locations. The supporting text notes proposals for new facilities should be situated in sustainable locations, particularly those that attract a high number of visitors, such as community centres, leisure centres and theatres. Such facilities need to be accessible by a choice of transport modes and should be situated within or adjacent to the defined urban and village settlements or the community that the facility is serving.

Policy SP18 (Urban Regeneration) proposals will be favoured which assist the regeneration of the urban area, particularly where they contribute to: vitality, viability and quality of the city centre, provision of residential opportunities, and re-use of vacant land

Policy GP2 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. It should seek to design out opportunities for crime and anti social behaviour, development will not be permitted which is detrimental to the visual amenity.

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

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

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

Policy EM3 (Alternative Uses of Employment Land), sets the criteria for the assessment of alternative development proposals on business, industrial and warehousing land. It applies to all land and buildings within the B1, B2 and B8 Use Classes Order.

Policy T4 (Parking) states that development will be required to provide appropriate levels of parking, within defined parking zones, in accordance with adopted parking standards

Policy CF10 (Commercial Leisure Developments) relates to indoor commercial leisure uses and sets the criteria for assessing development outside the city and district centres.

#### 3.2 **Supplementary Planning Guidance (Adopted)**

- Parking Standards SPG – August 2015

#### 4. CONSULTATIONS

4. None

#### 5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF REGENERATION AND REGULATORY SERVICES (PLANNING POLICY MANAGER): It is proposed to convert part of the former Avanna Bakery from B1/B2/B8 to D2 (Gym and Fitness). The applicants must, therefore, satisfy the requirements of LDP policies including CF10 (Commercial Leisure Developments).

In paragraph 10.3.5 of PPW, the Welsh Government states that developers will need to be “flexible and innovative about the format, design and scale of proposed development”. At the same time, however, the Council will need to be realistic about the applicants’ requirements. With this in mind, the applicant has provided a statement of need which demonstrates that they already have approximately 300 existing members in the locality and it is worth noting that the business helps people that are recovering from illnesses, people with disabilities and those tackling obesity. Considering this and the existing membership, it is considered that criterion i) is satisfied.

Criterion ii) requires the applicant to submit a sequential test to demonstrate that there are no alternative suitable premises in the city centre or district centres. Although the applicant has not specifically focused on city centre/district centres, they have provided a list of alternative accommodation at existing premises which they have ruled out. The applicant has considered a city centre location, but considering the existing client base which is likely to consist of predominately local people, it is probably fair to say that relocation to the city centre would significantly deter the existing client base (being approximately 5 miles away). The premises in the city centre were also unsuitable because they did not hire space.

There are no district centres on the west side of Newport and therefore it is considered unnecessary to assess the impact on district centres further afield. Consequently, it is considered that the information provided is sufficient to satisfy criteria ii) and iii).

In terms of criterion iv), the views of the Economic Development Officer should be sought to understand the impact this change of use would have on the supply of employment land at the Wern Industrial Estate and in this area of Newport.

In addition to satisfying CF10, the application must also satisfy Policy EM3.

It is understood that the site has been marketed, but it is unclear for how long from. With regard to criterion ii), there is a surplus of employment land allocated within the Newport LDP, but the views of the Economic Development Officer should be sought in relation to employment land in this particular location of Newport and the type of facility that is potentially being lost. As this facility is already in existence, if it were lost, consideration needs to be given to whether there are other suitable existing facilities that could be utilised. Whereas there is a surplus of employment land allocated, any brand new facility would need to be planned and built, whereas existing facilities have the advantage of being so-called ‘oven ready’ and available at short notice. In terms of criterion iv), highways should be consulted and neighbouring properties and businesses will be able to give an indication on this matter as well.

#### CONCLUSION

It is considered that the proposal is acceptable in principle, however, in order to fully satisfy policies CF10 and EM3, the views of the Economic Development Officer are required to understand:

- a) The likelihood that a B-use industry would take up the unit in the near future;
- b) The supply of ready built B-use industrial units in this part of Newport and the potential consequences of losing this unit to D2 use.

5.2 TEAM LEADER (REGENERATION): The building is the only manufacturing unit of its size in Newport (150,664 sq ft). It is also has food grade standard of which there are only 2 in Newport (the other one being the former Eurofoods which is only 44,165 sq ft and is more of a chilled storage unit facility).

We had a very recent manufacturing enquiry for part of the unit but the client has not pursued the property further. Last year, prior to this site becoming available, we also had another food manufacturing enquiry for the Wern Estate.

We have very few large industrial units in Newport and in particular ones which can be used for any type of food/drink manufacture. The loss of another unit to leisure would severely hamper any chances of attracting a large employer to the area. The Wern Industrial Estate is predominantly manufacturing and we would wish to protect that for future enquiries.

- 5.3 **HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS):** In this instance the existing use is deemed as B2 industry which has a parking requirement of 85 square metres operational space and 1space per 120 square metres non-operational space requiring 3 spaces.

The proposed use requires 1 commercial vehicle space and 1 space per 2 facility users. Number of users has not been confirmed but is anticipated to be greater than the industrial use.

Will dedicated or communal parking for this facility be provided and how will we control overall site parking if further piecemeal use is proposed?

- 5.4 **HEAD OF REGENERATION AND REGULATORY SERVICES (PUBLIC PROTECTION MANAGER):** No objection to the proposals. The Planning Section may wish to consider controlling opening hours in keeping with other units on the industrial estate.

## **6. REPRESENTATIONS**

- 6.1 **SITE NOTICE (Displayed 17 May 2018):** No representations received.

- 6.2 **ROGERSTONE COMMUNITY COUNCIL:** No Response

## **7. ASSESSMENT**

- 7.1 No external changes are proposed to the building. Internally cosmetic works will be required but are not considered as part of this application. The roughly rectangular room building measures 27.3 metres in length and 11.5 metres in width. The unit is currently vacant. The surrounding area is the Wern Industrial Estate, and the site sits approximately 130 metres south-west of the main estate road running down the estate. Surrounding uses are predominantly in use for industrial/storage uses.

- 7.2 The applicant has an established Gym (Evolve Fit) which has been going for over 7 years, with 300 weekly existing members attending their fitness classes and employing 3 full time and 7 part time staff. The current venue (Faith Church) in Rogerstone is no longer able to accommodate them and the applicant has provided a statement detailing all other venues in the catchment area, all of which were either unavailable or too small to accommodate the classes. A supporting statement has been provided by Rombourne (Building Owners since Jan 2018) and includes details of the marketing history of the site. In response to Officers concerns the applicant has supplied an access statement in relation to the pedestrian route from carpark to venue.

- 7.3 Policy CF10 sets out the criteria for leisure uses outside of city and district centres.
- i) AN ASSESSMENT OF NEED IF NOT IN A DEFINED CENTRE;
  - ii) THERE ARE NO SUITABLE CITY, DISTRICT OR EDGE OF CENTRE SITES (THE SEQUENTIAL TEST);
  - iii) THE PROPOSALS EITHER SINGULARLY OR CUMULATIVELY WITH OTHER EXISTING OR APPROVED DEVELOPMENTS DO NOT UNDERMINE THE VITALITY, VIABILITY AND ATTRACTIVENESS OF THE CITY AND DISTRICT CENTRES;
  - iv) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE EFFECT ON THE SUPPLY OF EMPLOYMENT LAND.

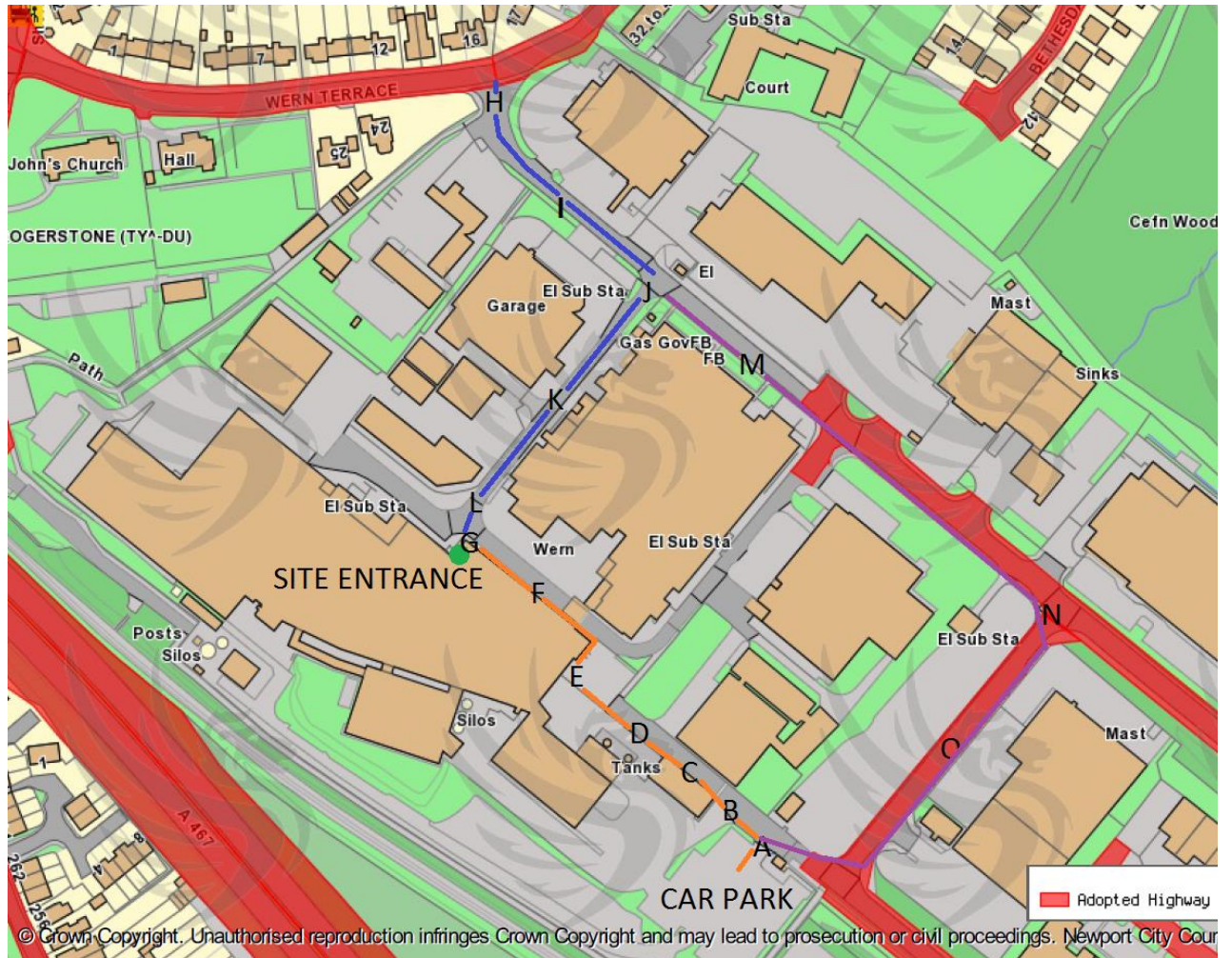
- 7.4 In paragraph 10.3.5 of PPW, the Welsh Government states that developers will need to be "flexible and innovative about the format, design and scale of proposed development". At

the same time, however, the Council will need to be realistic about the applicants' requirements. With this in mind, the applicant has provided a statement of need which demonstrates that they already have approximately 300 existing members in the locality and it is worth noting that the business helps people that are recovering from illnesses, people with disabilities and those tackling obesity. Considering this and the existing membership, it is considered that criterion i) is satisfied.

- 7.5 Criterion ii) requires the applicant to submit a sequential test to demonstrate that there are no alternative suitable premises in the city centre or district centres. Although the applicant has not specifically focused on city centre/district centres, they have provided a list of alternative accommodation at existing premises which they have ruled out. The applicant has considered a city centre location, but considering the existing client base which is likely to consist of predominately local people, it is probably fair to say that relocation to the city centre would significantly deter the existing client base (being approximately 5 miles away). The premises in the city centre were also unsuitable because they did not hire space.
- 7.6 There are no district centres on the west side of Newport and therefore it is considered unnecessary to assess the impact on district centres further afield. Consequently, it is considered that the information provided is sufficient to satisfy criteria ii) and iii).
- 7.7 In terms of criterion iv), concern has been raised by the Team Leader (Regeneration) who notes the wider Avana Bakery site is the only manufacturing unit of its size in Newport. It is also has food grade standard of which there are only 2 in Newport. They go on to state Newport has very few large industrial units and in particular ones which can be used for any type of food/drink manufacture. The site owners have confirmed their intention to reconfigure and develop the existing buildings divided up to provide suitably sized manufacturing and warehousing buildings to attract new commercial (employment) occupiers, and the current marketing indicates how the site has been sub divided. While it is desirable to retain the site as a large unit, planning is unable to restrict the subdivision.
- 7.8 Policy EM3 states that development proposals promoting alternative uses on existing employment sites will be resisted unless:
- i) THE SITE HAS BEEN MARKETED UNSUCCESSFULLY FOR EMPLOYMENT PURPOSES FOR A MINIMUM OF 12 MONTHS;
  - ii) THERE REMAINS A SUFFICIENT RANGE AND CHOICE OF EMPLOYMENT LAND AND PREMISES TO MEET LDP REQUIREMENTS AND LOCAL DEMAND;
  - iii) THE DEVELOPMENT HAS NO ADVERSE IMPACT ON EXISTING OR ALLOCATED EMPLOYMENT SITES;
  - iv) THE DEVELOPMENT HAS NO ADVERSE IMPACT ON AMENITY OR THE ENVIRONMENT.
- 7.9 The site owner has stated that the previous owners stopped using the building in January 2017 and subsequently started marketing the property for sale in the spring of the same year. Rombourne acquired the site with the intention to reconfigure and develop the existing buildings to provide suitably sized manufacturing and warehousing buildings to attract new commercial (employment) occupiers. Rombourne has been actively marketing the entire property since acquiring the property on the 2nd January 2018 (6 months). Whilst the applicant has not been able to provide evidence of the previous owners marketing; in this instance their information corresponds with the closure of the previous user, which was Avana Bakeries. Criterion (i) is considered to be satisfied.
- 7.10 In terms of criterion (ii) there is a surplus of employment land allocated within the Newport LDP, the concerns over the loss of a food grade standard unit of this size is noted, however, Rombourne intends to subdivide the building (and indeed current marketing states "units from 80sqm") for its existing use, within the B use class.
- 7.11 The current site use is not restricted to food grade and any future occupier could also result in the subdivision of the loss of the unit as a whole, on balance it is not considered that given the amount of employment land still available for development and small creation economic activity it is considered that on balance criterion (ii) is satisfied.

- 7.12 In terms of criteria (iii) and (iv) it is considered that the use would not have an adverse impact on the existing industrial uses nor the amenity of neighbouring residential occupiers. It is considered that these criteria are satisfied. While the Environmental Health Officers comments are noted, the existing use does not have any restriction on hours of use, and therefore it is not considered necessary to restrict the proposed use.
- 7.13 In terms of criterion iv, concern has been raised by the Highways Officer regarding the increase in demand of parking that a D2 use would have compared to a B use. The applicant have indicated an area available for parking (approximately 100 cars) and the wider site has substantial areas of parking (approximately 250 plus loading bays and service yards). This is in surplus for the existing B2 uses parking requirements. The change of use of the canteen which is 2% of the total sites building area is not considered to have sufficiently harmful impact on parking availability to object to the application if the remainder of the site were to remain in industrial use. The unit also offers an acceptable amount of parking within its grounds, and whilst vehicles would need to travel through the industrial estate the Head of Streetscene and City Services (Highways) has no objection in this respect of vehicle access to the car park.
- 7.14 The estate roads in the vicinity of the site do not comprise adopted highway, and so fall outside of the remit of the Councils Highways Engineers. However, public safety is nevertheless a material planning consideration which needs to be taken into account. In relation to public safety, there are a number of objectives / policies within Newport's Local Development Plan that are considered to be relevant. Objective 9 looks to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being. Policy SP2 seeks to design out opportunities for crime and anti social behaviour and Policy GP4 states that development should provide appropriate access for pedestrians, cyclists and public transport. Policy GP7 states that development will not be permitted which would cause or result in unacceptable harm to health.
- 7.15 The car park is remote from the entrance to the proposed gym unit and the route that members would travel (including those recovering from illnesses and with disabilities) has been considered in detail as follows.
- 7.16 **Pedestrian access (from car park).** The applicant has supplied an access statement detailing the 200 metre route from the car park to the proposed gym. From their cars the gym users would need to walk out of the shared car parking area, adjacent to the security cabin (point **A** on the map below), they would then continue along the edge of the access road into the estate in the designated and marked footway (not raised). After approximately 10 metres they would cross a vehicle access road (**B**), this provides access to a units 5 (Modern Warehouse), 7(High Bay Warehouse) and service yard, 8 (Stores/Workshop), 9 (Small Workshop) and 10 (Small Workshop). The designated and marked footway (not raised) then continues along the side of Unit 8, which has a large access door to the side (**C**) and then along the side yard to unit 5, (**D**) where the separating fence between this has been removed. The route then continues around the edge of a small carpark and across the front entrance to the building (**E**). From here the footpath now becomes a raised curbed footpath leading around the administration office and alongside unit 6 (Workshop + Offices) and unit 4 (Workshop) for approximately 55 metres (**F**) and around the corner to the entrance door (**G**) where the proposed unit is located on the first floor. At present there is no lighting along this route. [NB. Unit descriptions taken from Rombourne's letting information submitted with the application]





- 7.17 **Pedestrian Access (from Wern Terrace).** Both Policies SP2 and Policy SP12 encourages facilities to be in sustainable locations to encourage walking and cycling routes and other non-car means of access. The Wern Industrial Estate abuts a residential area to the north-west (Wern Terrace 225 metres). The unit is on the far edge of the Wern Industrial estate and on foot located 450m from a bus stop on St Johns Crescent which has a regular service. There is no a vehicle access into the estate from the Wern Industrial Estate / Wern Terrace junction (H), and from here the pedestrian route would involve walking along approximately 100 metres of the main industrial estate road (I), there are no footpaths and the road is unlit (not part of the adopted highway). At this point the shortest route to the proposed gym would be to turn right (J) and continuing along the internal estate road for approximately 125 metres (K) again this route does not have any separate pedestrian footpaths and is unlit (not part of the adopted highway). After which the pedestrian would be required to cross an internal estate road (L) to access the Gym. The total route from the Wern Industrial Estate / Wern Terrace junction would be approximately 240 metres.
- 7.18 The internal estate road (K-L) provides access to several industrial buildings including Units 1 (Dispatch Area) 2 (Modern Warehouse) and 3(Workshop) and 4 (Workshop) within the Avanna site. It is noted there is a gate across the access road into the Avanna site at approximately point (L).
- 7.19 An alternative pedestrian route can be gained to the site along the main estate roads, from point (J) the pedestrians would join the footpath and continue along the main access road (M) which does have street lighting, for 200 metres crossing the road, turning right (N) and continuing along the footpath for 125 metres (O) joining up with the carpark access route at the security gate access. The total route from the Wern Industrial Estate / Wern Terrace junction would be approximately 680 metres.
- 7.20 It is considered likely that any user accessing the site on foot would do so via the shorter route. While the applicant has stated they can ensure the gate at point L is locked during

gym sessions to ensure any members accessing on foot / cycling would have to do so along the main estate road (**M,N,O**). However it is not considered reasonable to apply a condition restricting access and/or hours of use to 4 industrial units and this would be in conflict with policy EM3 (iii) by having an adverse impact on existing employment sites.

- 7.21 While it is noted the applicants and agents comments that the site has previously been used by several hundred employees, the Avanna Bakery constituted a single manufacturing unit that would have sought to manage a substandard and relatively dangerous work environment for its employees. This is evident from the presence of the markings on the estate road leading from the car park which demarcate the 'footpath' for pedestrians. By introducing a range of different unconnected and discrete uses within the estate such as the proposal being assessed, this would result in increased difficulty in managing the conflicts between heavy vehicular movements and pedestrians. Employers have a duty of care to protect the health and safety of its employees. Unlike staff, which would have received training on health and safety and be familiar with the industrial processes and environment, users of the gym, which would comprise members of the public, would be more akin to visitors seeking a leisure experience, who would be less likely to have received the necessary training on health and safety procedures or necessarily be as 'switched on' to the dangers, compared to employees in a formal work environment. The use also has the potential to cause members of the public to be relatively isolated in an area without proper lighting and potentially being at risk to anti-social behaviour or crime.
- 7.22 This use is considered to pose an unacceptable risk within an estate where the vehicle/pedestrian separation cannot be guaranteed. The proposed use would result in a conflict between heavy vehicle movements and pedestrians within a busy industrial area with multiple access points and substandard lighting and pedestrian facilities. As such the site is not considered to offer a safe access route for its users that would encourage walking and cycling routes and other non-car means of access to the site.

## **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 the proposed use would put users at a risk of anti social behaviour. There would be the potential for an increased fear of 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 Newport's Well-Being Plan 2018-23**

The Wellbeing of Future Generations (Wales) Act 2015 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. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that the danger posed by the use would be contrary to the wellbeing objectives in particular a "Healthier Wales".

**9. CONCLUSION**

9.1 The proposed use would result in a conflict between heavy vehicle movements and pedestrians within a busy industrial area with multiple access points, substandard lighting and pedestrian facilities. This use would therefore result in a danger to pedestrians from vehicles and put gym uses at a risk of anti-social behaviour. The proposal therefore fails to encourage public safety and sustainable planning contrary to objective 9, policies SP1, SP2, SP12, GP2 GP4 and GP7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015), the Crime and Disorder Act 1998 and the Newport's Well-Being Plan 2018-23.

**10. RECOMMENDATION**

**Refused**

Reason: The proposal would result in a risk of conflict on an estate where vehicle/pedestrian separation cannot be guaranteed. The proposed use would result in a conflict between heavy vehicle movements and pedestrians within a busy industrial area with multiple access points, substandard lighting and pedestrian facilities. This use would therefore result in a danger to pedestrians from vehicles and put gym uses at a risk of anti-social behaviour. The proposal therefore fails to encourage public safety and sustainable planning contrary to objective 9, policies SP1, SP2, SP12, GP2 GP4 and GP7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015), the Crime and Disorder Act 1998 and the Newport's Well-Being Plan 2018-23.

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: 11073-2000, 11073-2001, 11073-2002 Access Statement, and email from Clare Woodward (31 May 2018), email from Steve Myers (31 May 2018 and Clare Woodward (10 July 2018).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Objective 9, Policies SP1, SP2, SP12, SP18, GP2, GP4, GP6, GP7, EM3, T4, CF10 were relevant to the determination of this application.

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

**APPLICATION DETAILS**

**No:** 18/0021      **Ward:** ALLT-YR-YN

**Type:** FULL

**Expiry Date:** 09-AUG-2018

**Applicant:** R LIGHTFOOT

**Site:** AMROTH, GLASLLWCH LANE, NEWPORT, NP20 3PR

**Proposal:** DEMOLITION OF EXISTING SINGLE STOREY DWELLING AND CONSTRUCTION OF NEW TWO STOREY DWELLING AND DETACHED GARAGE

**Recommendation:** GRANTED WITH CONDITIONS

**1. INTRODUCTION**

- 1.1 This application seeks full planning permission for the demolition of an existing single storey dwelling known as Amroth and the construction of a replacement two storey dwelling and a detached garage.
- 1.2 The application site is served by a private drive, which also serves two other properties (Thorn Falcon and Cherry Tree). The private drive comes off the northern end of Glasllwch Lane. The site is surrounded by residential properties, although there is some gas equipment housing and a pumping station to the north east.
- 1.3 It is proposed to provide a two storey, four bedroom house with a basement storage area and a detached garage which would be positioned in the south east corner of the site.

**2. RELEVANT SITE HISTORY**

None relevant

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

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

#### **4. CONSULTATIONS**

4.1 WALES AND WEST UTILITIES: No response.

4.2 NEWPORT ACCESS GROUP: No response.

4.3 WESTERN POWER DISTRIBUTION: Advise of apparatus in the area.

4.4 DWR CYMRU – WELSH WATER: Recommend a condition to prevent surface water and/or land drainage from connecting directly or indirectly with the public sewerage system.

#### **5. INTERNAL COUNCIL ADVICE**

5.1 HEAD OF STREETSCENE AND CITY SERVICES (TREE OFFICER): No objection subject to a condition requiring the installation of a root protection barrier fencing and no excavation with the root protection area in accordance with the submitted tree protection plan.

5.2 HEAD OF LAW AND REGULATION (ENV.HEALTH): No objection subject to a condition requiring a Construction Environmental Management Plan. Advisory's regarding the hours of construction, electric vehicle charging points, renewable heating and standards of building insulation.

5.3 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPE): The site lies at the end of a cul-de-sac in an area of large gardens with established trees and hedges, the site would be expected to be reasonably hidden from view, however the site is elevated and visible from properties and users at Melbourne Way to the north. The site is also overlooked by a number of neighbouring properties to the south, west and east.

5.3.1 There are a number of mature garden trees and hedges within the site that contribute to the street scene. A planning application would normally require a tree survey to BS5837 although no survey has been submitted.

5.3.2 The site is sloping, and it is not clear if walling and steps in the garden are to be retained. If not, proposals should include existing and proposed levels as this will affect the ability to retain garden trees.

5.3.3 A tree survey and protection plan is needed at this stage of planning (rather than being conditioned) to ensure those trees to retained can be retained successfully.

5.3.4 A planting plan will be required to ensure the site assets of trees and hedges are retained where possible to provide a 'mature' backdrop for the new dwelling, and to provide mitigation planting. The plan should be provided by a professional landscape architect.

5.4 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): The proposal consists of the replacement of an existing residential dwelling. The access arrangements to the site will remain unchanged and the applicant has demonstrated that parking will be provided in accordance with the Newport City Council Parking Standards. No objection to the application subject to a condition requiring the submission of a Construction Environmental Management Plan which includes details of contractor parking/compound, wheel wash facility, dust suppression and a traffic management plan including how deliveries will be managed taking into consideration the width and alignment of Glasllwch Lane, the access off the adopted highway and the times of construction/delivery vehicles to avoid drop off and collection times associated with Glasllwch School.

5.5 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): No further comments, no evidence of bats was found and the building was deemed as having negligible potential.

5.6 HEAD OF STREETSCENE AND CITY SERVICES (DRAINAGE): No response.

## 6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties sharing a common boundary and opposite the application site were consulted (11 properties). Representations from 7 addresses were received. During the course of the application the occupiers of Thorn Falcon have changed, representations from both occupiers are reported below. The following comments have been made:

### Original proposal

#### **General**

- The current sectional drawing illustrates the ridge level related to Glasllwch Farmhouse and several nearby houses however it would be helpful if these levels could be related to the finished floor level of the existing bungalow. This will enable a more accurate assessment of the height of the proposed house above the existing ground level. The current sectional drawing indicates information has been extracted from a topographical survey and if so the inclusion of the survey in the application would also assist with assessment;
- In order to fully understand this aspect of the scheme and its potential impact on neighbouring properties, I am concerned that the drawings submitted with the planning application do not adequately show the scale of the proposed dwelling and its potential impact on neighbouring properties. The Melbourne Way Street Elevation (although shown as a perspective) is difficult to read and does not give an accurate representation of the proposals within its wider site context. It would also be helpful if further elevations/perspectives were available to assess the development from other viewpoints.

#### **Residential amenity**

- The proposals would block daylight to the living quarters in the gable extension of Cherry Tree, and sunlight to my rear garden, due to the massive height change in the adjacent property, coupled with the close proximity to our boundary hedge;
- The gable extension on the rear of Cherry Tree comprises complete windows / glass doors, some of which face directly towards the proposed development. At the moment these windows only provide limited daylight into the main living quarters of Cherry Tree, but this would be substantially reduced by the joint height and proximity of the new development;
- The side windows of the Cherry Tree gable extension are most relevant as they face directly towards the new proposal, these windows provide most of the daylight into the rear lounge as they are south east facing;
- Dispute claims that "compliance with constraints imposed under Newport City Council's New Dwellings SPG, protecting windows in adjacent and facing houses with 45° plan view angles and 25° view angles for facing buildings". I cannot see how the Application is in compliance with the Council's required angle for facing buildings in the SPG;
- The bungalow adjacent to the site on Melbourne Way (83) will be completely over shadowed with a massive roof height difference;
- The planning notice refers to a two storey dwelling. This is misleading as the proposal includes a basement floor (138m<sup>2</sup>.) area annotated for storage use. The roof plan (133m<sup>2</sup>) also has access off the main staircase with windows at second floor level which suggests the roof space is intended for habitable use and could lead to the introduction later of rooflights that would compromise our (*The Farmhouse*) privacy. If the roofspace is used for storage, this together with the basement will represent 50% of the total floor area of the dwelling;
- The proposed dwelling will have an overbearing effect on our (*The Farmhouse*) rear garden. Whilst an attempt has been made to reduce the bulk by incorporating a small step in the roof and reducing the pitch of the hipped ends to 40 degrees this minor change has had little or no effect on the mass and height of the structure. The height of the new building to the rear is also accentuated with the high projecting staircase turret and window;
- Requests that following amendments to be considered:
  - o Lowering the fascia line to 1.6m above first floor level on both the front and rear elevations thus reducing substantially the height of the ridge.

- Deleting the hipped roof to the stairwell and extending the main roof slope over, this would help to reduce the height of the house when viewed from our property.
- Changing the manufactured slate to clay plain tiles to match nearby houses in Glasllwch Lane.

## **Design**

- A bungalow or dormer bungalow would be more appropriate for the site, which is already at the highest point of Glasllwch Lane, where Amroth's long-standing height profile has to date naturally blended in with the various sloping ground that surrounds the Amroth site;
- The height of the new building should be at a similar level to Cherry Tree as this would be an appropriate development and fit in well with the existing building;
- It is misleading to refer all heights to the Farmhouse as this is at the top of Glasllwch lane (and thus the highest property location) and is not the nearest property to the redevelopment. The height differential to the adjacent buildings Cherry Tree, Sylva and Thorn Falcon are substantial and as such the new build will potentially dominate the area and would not be in context with the immediately surrounding residential properties;
- Request that the agreed final ridge level (above Ordnance Survey Datum) is noted in the planning decision documents so that there is an opportunity to verify that the completed structure complies with the design dimensions;
- Request that appropriate data is supplied by the applicant and recorded on the plans so that the final building dimensions can be verified to any approved drawings;
- The proposed house is completely out of scale and character to nearby houses in Glasllwch Lane and will dominate the adjacent Cherry Trees and 83 Melbourne Way. Assuming the finished floor level of the new dwelling is kept the same as the existing bungalow the ridge level will be approximately 2.0m higher than Cherry Trees and 6.0m higher than the ridge of 83 Melbourne Way;
- Concern over the design of the proposed development and in particular the scale and massing of the house. The design of the building has had little regard to its immediate site context and due to its excessive scale, height and massing is out of character with the more traditional scale of properties within the immediate vicinity;
- The street elevation Melbourne Way drawing shows the proposed development in relation to neighbouring properties and illustrates clearly the extent to which the proposal dominates residential buildings around it, demonstrating the little regard that has been paid to the surrounding prevailing building heights;
- In considering the impacts of the proposed development on surrounding properties, it is worth noting the recently constructed two storey dwelling, at the site of the former Lynda Vista property a short distance to the north. With an overall building height of 9.2 metres and a frontage of 19 metres the property creates a dominant feature along Glasllwch Lane and is generally acknowledged as having a detrimental impact on the urban form in this part of Newport. The proposed development with a ground to ridgeline height of 8.7 metres and a building frontage of 20 metres is of a similar scale and massing.

## **Highway Safety**

- It is difficult to work out the size of the basement footprint however, assuming it would require the removal of 600 cubic metres of compacted ground material. 600 cubic metres of ground material could weigh approximately 1200 tonnes (600 x 2.0T per cubic m). This could see an additional seven hundred 7.5 tonne vehicle trips up and down the lane and Glasllwch Lane where children walk to school on a blind bend without pavements;
- Should a 7.5T vehicle fail to perform the task then we could see approximately 1000 trips using a 2.5T dumper truck and then possibly a transfer to a larger vehicle at the top of the lane on to Melbourne Way.

## Amended proposal

### **Highway safety**

- No objection but requests a condition requiring the submission of a Construction Management Plan which, amongst other matters would require:

- Details of the parking area for vehicles associated with the development clear of Glasllwch Lane, to ensure that other users of the lane are not impeded; and
  - Details of the proposed location of demolition waste and new building materials on site, to ensure that loading / unloading can capably be undertaken fully on site in order to prevent obstruction of Glasllwch Lane;
  - Details of the size and type of vehicles which will be used to access the site and transport materials to and from the site, in order to minimise the opportunity for damage to neighbouring properties, the public highway and the risk of obstruction of the lane.
- Request that restrictions are placed on building works and the size and weight of vehicle entering the development from the narrow lane off Glasllwch Lane. The narrow lane is owned by Newport City Council and as such is not “a shared private drive”, the planning application is thus invalid. It is assumed that the Council would want to ensure the road and any pipes or trees are not damaged by any construction works;
  - Waste from the proposed development (including a vast amount of soil and stone removal for the proposed large basement) will need to be removed down this narrow driveway/lane. From here lorries will need to access the single track lane via a corner on the busiest section. Children live nearby, and the lane needs careful negotiation at this point, as only one vehicle can pass at a time. Heavy Lorries will prove a particular hazard;
  - Depending on the allowable weight of vehicles this has the potential to cause damage to the driveway/lane (under Newport’s ownership) and the adjoining driveway to Sylva, St Enodoc and the bungalow, as well as Glasllwch Lane itself;
  - During construction and waste removal, parking and heavy vehicle usage is likely to cause congestion and potentially increase risk of accident at the top of Glasllwch Lane and the junction with Melbourne way and Risca Road;
  - The top of the lane is used by children walking from Glasllwch Lane to attend Glasllwch School and is a crossing point for many children accessing Glasllwch School from Risca Road. The lane is narrow with high hedges and negotiates a corner and hence is a hazard to children and pedestrians.
  - The portion of Glasllwch Lane between Stonegate and The Nook is only just wide enough for a single vehicle at a time and is not wide enough for both a lorry and pedestrians;
  - Trust that conditions will be imposed to ameliorate traffic effects and to ensure that any damage to the lane or surrounding properties is rectified by the contractors. It is noted that the Traffic Officer has requested a limit on construction traffic movements during school drop off/pick up times but residents at the top end of Glasllwch Lane also need access to their properties at the beginning and end of the working day, these times do not, for most people, coincide with school times.

6.2 COUNCILLOR CHARLES FERRIS: I would like to call in the mentioned application for determination by the full planning committee as the design is not in scale or character with houses in this part of Glasllwch Lane.

6.3 COUNCILLOR MATTHEW EVANS: I do not have any objections to the construction of a new two storey dwelling at Amroth, Glasllwch Lane. Hopefully most of the issues of concern to nearby residents can be resolved to the satisfaction of all interested parties.

## 7. ASSESSMENT

### 7.1 The proposals

The existing building is a single storey house which has been vacant for some time and is in a deteriorating state. It measures 17.2m at its widest point (along the rear elevation), 10.5m in depth and 3.7m in height with a flat roof. The plot has generous grounds and the existing dwelling is set well back from the access point.

7.1.1 It is proposed to demolish this building and construct a replacement dwelling which would have the same width as the existing house, except for an additional ground floor canopy which would extend a further 1.3m from the east elevation. It would have a depth of 10.1m and a roof height of 7.9m, rising to 8.5m on the western end of the house. It is proposed to reduce the ground level of the proposed dwelling by 0.5m so the proposed house would be



4.4m higher than the existing dwelling at its greatest point. It is also proposed to provide a basement which would occupy the same footprint as the proposed house.

7.1.2 It would have a hipped roof which steps down towards the eastern portion of the building; it would have gable projection on the front elevation and two gable projections on the rear elevation. It would also have two gable windows in the front elevation, one in the rear elevation and another in the eastern side elevation. There would be a ground floor canopy which extends from part of the front elevation and wraps around the eastern side elevation and part of the rear elevation. The first floor master bedroom would have a Juliet balcony to the floor to ceiling windows in the front elevation. The house would have a family room, living room, utility room, study, storage, hall and WC on the ground floor. Four bedrooms, two en-suites and a bathroom are proposed on the first floor.

7.1.3 Within the grounds it is proposed to retain existing hedgerow around the perimeter of the site, along with an existing stone wall and steps in the eastern portion of the garden. A level access would be provided to the front entrance and the existing vehicular access would be utilised to provide a new driveway to the proposed garage. The proposed garage would be located in the south eastern corner of the site and would measure 7m by 7m. It would have a pitched roof with a maximum height of 4.7m.

## 7.2 **Policy context**

The application is assessed against the guidance in the New Dwellings Supplementary Planning Guidance (SPG). Policy GP2 is relevant in terms of the impact on residential amenity, GP4 is relevant in terms of highway safety, GP5 is relevant in terms of its impact on trees and any potential protected species; and GP6 is relevant in terms of design.

## 7.3 **Design**

Policy GP6 states that developments should be sensitive to the unique qualities of the site and respond positively to the character of the area; development should reflect the character of the locality but avoid the inappropriate replication of neighbouring architectural styles; the designer is encouraged to display creativity and innovation in design, development should appropriately reflect the scale of adjacent townscape and care should be taken to avoid over-scaled development.

7.3.1 The immediate locality consists of predominantly two storey dwellings, set in generous plots. The exception to this is the neighbouring property to the west which is a dormer bungalow and the neighbouring property to the east on Melbourne Way, which is located at a lower level and is also a bungalow. There is a variety of architectural design and character in the area; and as such the proposed dwelling need not follow an existing design or character of development; although the dwelling should respect the overall scale and massing of existing development.

7.3.2 The applicant proposes to reduce the ground level by 0.5m from the existing house in order to provide a dwelling which has a comparable height with the neighbouring dwellings. The maximum ridge height of the proposed dwelling would be approx. 8.7m, this would be on the west end of the house. It would be set down to approx. 8.6m for the remainder of the house. The neighbouring houses have ridge heights of between 8.7m (The Farmhouse) to 8.5m (Thorn Falcon) and there is a slight rise in levels from the south to north. Thorn Falcon is to the south east and The Farmhouse is to the north west; the application site sits in between these properties and would have a ridge height in between the other two properties. It is therefore considered that the proposed house appropriately follows the natural gradient of the area and is generally in keeping with the heights of neighbouring two storey dwellings.

7.3.3 The surrounding properties are generous and the overall dimensions of the proposed dwelling, in terms of its width and depth are in keeping with those neighbouring properties. The surrounding properties also have a variety of roof forms and it is considered that the proposed design is consistent with the styles present in the area. The rear and east elevations of the proposed dwelling would be most visible from Melbourne Way. The applicant has sought to address this vantage point by incorporating differing roof heights, gables and gable windows. It is considered that this breaks up the overall massing of the building and creates an interesting roof form when viewed from the wider street scene.

Overall it is considered that the proposed design is acceptable, its scale and massing is in keeping with the character of the surrounding area and it would not have a harmful impact on the visual amenities of the area.

7.3.4 It is proposed to finish the proposed dwelling with a painted textured render, buff clay facing bricks for the damp proof course and blue/grey cement roof tiles. Neighbouring properties are generally finished with render and as such the proposed render would be consistent with this character. The majority of properties in the surrounding area have clay roof tiles, although there are examples of slate roof tiles. Most notably The Farmhouse to the rear of the application site has grey slate tiles. As the proposed dwelling would have a close relationship with the Farmhouse and would be read along side this property when viewed from Melbourne Way, it is considered that the use of grey slate roof tiles would be acceptable. A condition is recommended to secure those materials but to also allow flexibility should the applicant propose to change the materials, with the agreement of the Authority.

#### 7.4 Residential Amenity

Policy GP2 states that development will be permitted where it does not have a significant adverse effect on local amenity in terms of noise, disturbance, privacy, overbearing, light, odours and air quality; and where there is adequate amenity for future occupiers.

7.4.1 The New Dwellings SPG sets out guidance in order to ensure that occupants of new dwellings have reasonable living conditions; to ensure that new dwellings do not deprive persons in existing dwellings of reasonable living conditions; and to protect the character and appearance of the natural and built environments.

7.4.2 The SPG recommends that a new dwelling should provide adequate private amenity space for future occupiers at a ratio of 1 sq.m per every square metre of the units' footprint. The proposed development far exceeds this recommended standard.

7.4.3 In order to prevent overlooking between existing and proposed properties, suitable separation distances must exist between high-level protected windows and adjacent back gardens. It is recommended that a distance of 10m between first floor windows and neighbouring gardens is provided. The rear garden of The Farmhouse backs on to the application site. The proposed dwelling would have first floor windows serving two en-suites, a bathroom, stairs and a dressing room. Whilst the other windows are not protected the dressing room windows would be integrated with a bedroom and as such could be interpreted as protected windows. The closest dressing room window would be 9.8m from the boundary with The Farmhouse. Whilst this is marginally below the recommended standard it is not considered that this very marginal shortfall is so significant as to result in a loss of privacy to the neighbouring garden.

7.4.4 In order to ensure that all residents have sufficient privacy in their homes, suitable separation distances must exist between protected windows in existing and proposed dwellings. The SPG recommends a separation distance of 21m between protected windows. There would be no instances of protected windows directly facing towards each other however; there would be oblique views towards windows in the Farmhouse from the dressing rooms windows. These windows would be in excess of 21m from the Farmhouse and as such it is considered that the privacy of this property would be protected.

7.4.5 Concern has been raised that the original proposals included the use of the roof space, although it was not specified whether additional rooms would be provided in this space. A neighbour is concerned that roof lights could be inserted at a later date without requiring planning permission and these would compromise privacy to the Farmhouse. The design of the proposed dwelling has been amended since the original proposal and no longer shows use of the roof space. Notwithstanding this, should roof lights be inserted in the future it is considered that they would be a sufficient distance from the rear neighbouring property to prevent any loss of privacy.

7.4.5 In terms of other windows, a ground floor study window and first floor bedroom window in the eastern elevation of the proposed dwelling would face towards 83 Melbourne Way. This property has a garage which occupies the corner of the plot of 83 Melbourne Way. The

proposed windows would overlook this garage and not any private amenity areas or windows. It is therefore considered that the privacy of this neighbour would be protected. Ground floor windows serving a kitchen/family room are proposed in the side elevation facing towards Cherry Tree. It is proposed to retain an existing substantial hedgerow and fence along the shared boundary with the two sites. It is considered that these boundary treatments would sufficiently protect the privacy of Cherry Tree. At the front of the application site there are two residential properties, Sylva and Thorn Falcon. Both of these properties are well in excess of 21m from the front elevation of the proposed dwelling; and as such it is considered that their privacy would be protected. In order to ensure the privacy of Cherry Tree is protected in the future it is recommended that a condition is imposed to prevent additional windows in the first floor west facing side elevation.

- 7.4.6 In terms of loss of natural light the SPG sets out a number of tests to help maintain adequate levels of natural light for neighbours. These tests refer to a relationship whereby a new house would be in front of an existing property and where side habitable windows would be affected. The New Dwellings SPG does not set out tests to protect light entering front and rear facing windows where a new house would be to the side of a neighbouring property. However, it is still necessary to carry out assessment of the impact on front and rear protected windows. The House Extensions SPG provides useful tests to protect neighbouring daylight and as such these tests are used in order to assess the impact on neighbouring front and rear windows.
- 7.4.7 Cherry Tree would be located to the side of the proposed dwelling. This property has protected windows in the rear elevation which could be affected by the proposed dwelling. A plan-view 45 degree test for natural light has been undertaken, this test is performed by drawing two lines at 45 degree angles from the centre of a protected window. The proposed dwelling satisfies the test in terms of the nearest protected window in Cherry Tree. 83 Melbourne Way would be positioned obliquely to the proposed dwelling; nevertheless a plan-view test has been undertaken from the nearest rear protected window. The proposed dwelling satisfies the test in relation to this property.
- 7.4.8 A further test is undertaken in elevation-view whereby a line is drawn from the centre of a protected window at 45 degrees to the horizontal. The proposed dwelling satisfies this test in respect of both properties.
- 7.4.9 Concern has been raised that windows in the side of a gable projection of Cherry Tree would be adversely affected by the proposed dwelling. These windows would serve a living room. The elevation-view 45 degree test has been undertaken from this window, which is located further away from the proposal than the closest protected window. The proposed dwelling satisfies this test and it is considered that light entering this room would not be adversely affected.
- 7.4.10 The proposed dwelling would not be positioned any closer to Cherry Tree and 83 Melbourne Way than the existing dwelling, although it is recognised that the proposed dwelling would be taller than the existing single storey flat roofed dwelling. It is considered that the proposed dwelling would be positioned a sufficient distance from the shared boundaries to prevent an overbearing or over shadowing impact on the neighbouring gardens.
- 7.4.11 The proposed single storey garage would be located in the south eastern corner of the site. It would be positioned close to the rear garden of 83 Melbourne Way. The garden has a south westerly orientation and as such it receives a good degree of daylight throughout the day. Whilst it is recognised that the proposed garage would be located close to this garden and at an elevated position, it is also recognised that it would have hipped roof which reduces the bulk of the building. It is also considered that given the existing orientation of the garden the proposed garage would not be overbearing on the rear garden of 83 Melbourne Way.

## 7.5 **Parking and Highway Safety**

The proposed access arrangements to the site would remain unchanged and parking provision has been demonstrated which is in accordance the Newport City Council. The Head of Streetscene and City Services (Highways) has no objection on this basis.

- 7.5.1 Significant concern has been raised in relation to construction vehicles and the vehicles required for the removal of waste material during the creation of the basement level. There is concern that the shared lane which provides access from Glasllwch Lane to the site is too narrow to accommodate larger vehicles; and should heavier vehicles use the lane it would cause damage and slippage, which would affect surrounding properties. There is also concern that the demolition/construction works would result in congestion, increase the risk of accidents, risk to children travelling to the local school and general pedestrian safety.
- 7.5.2 The Head of Streetscene and City Services (Highways) has considered these concerns and recommends a condition is imposed requiring the submission of Construction Environmental Management Plan. The plans must include details of contractor parking/compound, wheel wash facility, dust suppression and a traffic management plan including how deliveries will be managed taking into consideration the width and alignment of Glasllwch Lane, the access off the adopted highway and the times of construction/delivery vehicles to avoid drop off and collection times associated with Glasllwch School. It is considered that with the imposition of this condition sufficient control to agree suitable traffic management would be secured.
- 7.6 Trees and landscaping**
- There are a number of trees within the site and as such the Head of Streetscene and City Services (Tree Officer) requested a tree survey to be undertaken. The applicant has submitted the survey which recommends that an ornamental Cherry tree at the front of the site is removed along with two Cypress trees along the south eastern boundary. All other trees should be retained and protected during demolition and construction. The Tree Officer is satisfied with the survey and its recommendations. A condition is recommended requiring the installation of a root protection barrier fencing and no excavation with the root protection area in accordance with tree protection plan contained within the survey. This condition is duly attached.
- 7.6.1 The Council's Landscape Officer has commented that it isn't clear if walling and steps in the garden are to be retained. The applicant has since confirmed that these features would be retained. The Landscape Officer also recommends that a planting plan should be submitted to ensure the trees and hedges are retained where possible to provide a 'mature' backdrop for the new dwelling. The submitted tree survey sets out the trees which are to be retained on site however, no further landscaping details are provided. It is therefore considered necessary to require such details through a condition, this would ensure perimeter planting is retained and replaced where trees are to be removed.
- 7.7 Ecology and Bats**
- The Head of Streetscene and City Services (Ecology Officer) required an ecological appraisal and bat survey to be undertaken. The applicant submitted this information which concluded that there was no evidence of bats and the existing building was classed as low to negligible potential for roosting bats. No habitats suitable for use by breeding birds or dormice were evident and there is very limited potential for reptiles to be present. The Ecology Officer is satisfied with the survey work undertaken and does not recommend any further action.
- 7.8 Other matters**
- Concern has been raised that the submitted plans do not accurately reflect the impact on neighbouring properties or that the finished floor levels relative to the existing house have not been provided. Drawing P08 rev B shows a 3-D drawing of the proposed dwelling as seen from Melbourne Way. This drawing provides ridge heights which allows an assessment of the scale and massing of the building relative to neighbouring properties. The applicant has also provided two photomontage images of the dwelling in its proposed setting when viewed from different positions on Melbourne Way. Again, these allow for an assessment of the scale and massing of the building. Drawing P06 rev F also provides elevations of the proposed dwelling with the outline of the existing dwelling overlain, this demonstrates the finished floor level of the proposed dwelling relative to the existing bungalow.

- 7.8.1 Welsh Water recommends a condition to prevent surface water drainage from connecting with the public sewerage system. The applicant has indicated that surface water would be disposed on via a soakaway. Building Regulations would ensure the suitability of a soakaway and should a connection with the public sewerage be required then separate agreement is required with Welsh Water. It is not considered necessary to impose the condition.
- 7.8.2 The Head of Law and Regulation (Environmental Health) recommend a condition requiring a Construction Environmental Management Plan which is duly attached along with the aspects of the highways mitigation measures. It is also recommended that informatives are added advising of hours of construction, electric vehicle charging points, renewable heating and standards of building insulation. Informatives in the relation to hours of construction and electric vehicle charging points are added however, renewable heating and standards of building insulation are more appropriately dealt with by Building Regulations.

## **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 *Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 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. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

## **9. CONCLUSION**

- 9.1 The proposed development is considered to be acceptable and in accordance with policies SP9, GP2, GP4, GP5, GP6 and T4 of the Newport Local Development Plan 2011-2026. The proposed development would not result in a harmful impact on ecology and nature conservation, landscape and visual and residential amenity. 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: 1307 P01, 1307 P02 rev A, 1307 P03 rev D, 1307 P04 rev C, 1307 P05 rev B, 1307 P06 rev F, 1307 P07 rev A, 1307 P08 rev B, 1307 P10 and 1307 P11.

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 (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan (CEMP) shall identify the steps and procedures that will be implemented during development resulting from the site preparation, groundwork and construction phases of the development regarding:

- noise mitigation measures - to minimise the creation and impact of noise;
- dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition, February 2003;
- waste disposal;
- details of enclosure of working areas;
- details of contractor parking areas and construction site accesses;
- wheel wash facility; and
- traffic management plan including how movements to and from the site will be managed to avoid drop off and collection times associated with Glasllwch School; and consideration of the width and alignment of Glasllwch Lane and the access off the adopted highway.

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

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

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

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

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 Arboricultural Assessment (Rev A) submitted via Tim Pursey, 15 March 2018. No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area.

Reason: To protect trees.

05 Prior to the commencement of development, details of foul and surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority. The drainage scheme shall be implemented in accordance with the details approved prior to the beneficial occupation of the dwelling.

Reason: To ensure an orderly form of development.

***Pre –occupation conditions***

06 Prior to the occupation of the dwelling hereby approved a landscaping scheme of the site; to include details of where existing hedgerow will be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the occupation of the development.

Reason: To ensure that the site is landscaped in a satisfactory manner and in the interests of residential amenity.

***General conditions***

07 No window or door openings (other than those shown on the approved plan) shall be formed in the west facing elevation of the building hereby approved.

Reason: To protect the privacy and perceived overlooking of adjoining residents.

***NOTE TO APPLICANT***

01 This decision also relates to: Initial Bat Inspection Survey, Ecological Walkover & Non-Licensed Method Statement (BE Ecological Ltd, Issue 1, Rev A, March 2018).

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

03 The New Dwellings and the House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted August 2015) were relevant to the determination of this application.

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

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

## **APPLICATION DETAILS**

No: 18/0021 Ward: **ALLT-YR-YN**

Type: Full

Expiry Date: 19-MAR-2018

Applicant: **R LIGHTFOOT WHITE ACRE, WHITE ACRE, GLASLLWCH LANE, NEWPORT, NP20 3PS**

Site: **Amroth, Glasllwch Lane, Newport, NP20 3PR**

Proposal: **DEMOLITION OF EXISTING SINGLE STOREY DWELLING AND CONSTRUCTION OF NEW TWO STOREY DWELLING AND DETACHED GARAGE**

### **1. LATE REPRESENTATIONS**

- 1.1 The occupier of the Farmhouse, who happens to be an architect, approached the applicant's architect with a suggestion on how the plans could be improved. The applicant and agent agreed that the suggestions would improve the design and so amended plans were submitted accordingly, which are those shown in the presentation to Committee.
- 1.2 The amendments involved the omission of a proposed basement, omission of a gable and a dormer on the rear elevation, providing a sloping roof over the staircase and replacement with a swept dormer.
- 1.3 On this basis, the occupier of the Farmhouse has advised that he and his wife have removed their objection to the application and are now supporting the application.

### **2. OFFICER RESPONSE TO LATE REPRESENTATIONS**

- 2.1 The amended plans are considered to represent an improvement on the previously submitted plans and so are supported by officers.

### **3. OFFICER RECOMMENDATION**

- 3.1 The recommendations remains to grant with conditions.



**APPLICATION DETAILS**

**No:** 18/0305      **Ward:** **SHAFTESBURY**

**Type:** FULL

**Expiry Date:** 10-AUG-2018

**Applicant:** **SAM HILL, NEWPORT NORSE**

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

**Proposal:** **ERECTION OF BOUNDARY FENCE AND GATES**

**Recommendation:** **GRANTED WITH CONDITIONS**

**1. INTRODUCTION**

- 1.1 This application seeks planning permission for the erection of 2.4m high fencing and gates around the outside of the Ysgol Gymraeg Bro Teyrnnon's site.
- 1.2 The proposal seeks to erect a 2.4m high weld-mesh fence in black (RAL 9005) around the outside of the school's site. The site plan identifies two areas of fencing, there is a 2.4m high weld mesh fence around the majority of the site which runs 497m in length and there is a small section of fencing that is on top of an existing brick wall. The brick wall is 1m in height and 20m in length, the proposed fencing is 1m in height for a length of 20m. It is also proposed to erect 1no single gate with a top panel that would measure 1.2m wide and 2m high, 1no pair of vehicle access gates that would measure 2.4m in height and 5m wide, and 1no pedestrian access gate that would measure 2.4m in height and 1.2m wide.

**2. RELEVANT SITE HISTORY**

14/0687	<b>SINGLE STOREY EXTENSION TO REAR OF SCHOOL INCORPORATING A NEW CANOPY TOGETHER WITH REPLACEMENT WINDOWS AND NEW FELT ROOF</b>	<b>GRANTED WITH CONDITIONS</b>
16/0374	<b>PROVISION OF TEMPORARY TWO STOREY MODULAR CLASSROOM BLOCK AND PROVISION OF PERMENANT ADDITIONAL ACCESS AND ON SITE CAR PARKING</b>	<b>GRANTED WITH CONDITIONS</b>
17/0072	<b>PROVISION OF TEMPORARY TWO STOREY MODULAR CLASSROOM</b>	<b>GRANTED WITH CONDITIONS</b>

**3. POLICY CONTEXT**

- 3.1 Policies GP2 (General Amenity) and GP6 (Quality of Design) of the Newport Local Development Plan 2011-2026 (adopted January 2015) are relevant to the determination of this planning application.
- 3.2 Policy GP2 (General Amenity) states: development will be permitted where, as applicable:
- i) There will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality;
  - ii) The proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;
  - iii) The proposal seeks to design out the opportunity for crime and anti-social behaviour;
  - iv) The proposal promotes inclusive design both for the built development and access within and around the development;
  - v) Adequate amenity for future occupiers.
- 3.3 Policy GP6 (Quality of Design) states: good quality design will be sought in all forms of development. The aim is to create a safe, accessible, attractive and convenient environment. In considering development proposals the following fundamental design principles should be addressed:

- i) Context of the site: all development should be sensitive to the unique qualities of the site and respond positively to the character of the area;
- ii) Access, permeability and layout: all development should maintain a high level of pedestrian access, connectivity and laid out so as to minimise noise pollution;
- iii) Preservation and enhancement: where possible development should reflect the character of the locality but avoid the inappropriate replication of neighbouring architectural styles. The designer is encouraged to display creativity and innovation in design;
- iv) Scale and form of development: new development should appropriately reflect the scale of adjacent townscape. Care should be taken to avoid over-scaled development;
- v) Materials and detailing: high quality, durable and preferably renewable materials should be used to complement the site context. Detailing should be incorporated as an integral part of the design at an early stage;
- vi) Sustainability: new development should be inherently robust, energy and water efficient, flood resilient and adaptable, thereby facilitating the flexible re-use of the building. Where existing buildings are present, imaginative and sensitive solutions should be sought to achieve the re-use of the buildings.

#### **4. CONSULTATIONS**

- 4.1 None.

#### **5. INTERNAL COUNCIL ADVICE**

- 5.1 HEAD OF STREETSCENE (TREE OFFICER):

#### **6. REPRESENTATIONS**

- 6.1 NEIGHBOURS: All properties with a common boundary and opposite were consulted (90no. properties) and no objections have been received.

#### **7. ASSESSMENT**

- 7.1 This application seeks to replace existing bow top fencing to the front of the school that measures 1m in height and located on an existing wall which measures 1m in height. The proposed fencing would also be positioned on top of the 1m high wall and would consist of 1m high weld mesh fencing. There is also existing 1.8m high chain link fencing that runs around the majority of the school's site, which is proposed to be replaced with 2.4m high weld-mesh fencing. There is an area outlined in blue on the site plan which consists of existing hedgerow that is to remain.

- 7.2 Due to the location of the proposed fencing, it would be adjacent to a number of properties. There is existing fencing located here, however, this has rusted over time and now needs replacing. Both the fence style and height would alter. The fencing would increase from the existing 1.8m high to 2.4m high and from chain-link to weld-mesh. Despite the increase in height of the fencing, it is considered that by reasons of its design, scale and location, the proposed fencing is not considered to have a detrimental impact on residential amenity. It is considered that the proposed fencing would provide a safe and secure boundary treatment for the school, and it is not considered that the fencing would have a harmful impact on the appearance of the school and the wider streetscene. Fencing is a common feature at schools. The proposed fencing is considered a suitably designed security measure that will result in both a visual and security improvement. Therefore, it is considered that the proposed development is in accordance with policies GP2 and GP6.

#### **8. OTHER CONSIDERATIONS**

##### **8.1 *Crime and Disorder Act 1998***

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

##### **8.2 *Equality Act 2010***

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

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

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

## 9. CONCLUSION

9.1 The proposed development by reasons of its scale, location and design would satisfy policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

## 10. RECOMMENDATION

### GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Existing and Proposed Fencing for Wall Section, Existing and Proposed Fencing, Fence Detail, Site Plan and Existing and Proposed Vehicle and Pedestrian Gate.

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

### NOTE TO APPLICANT

01 This decision relates to plan Nos: Existing and Proposed Fencing for Wall Section, Existing and Proposed Fencing, Existing Chain Link Fencing, Fence Detail, Site Plan and Existing and Proposed Vehicle and Pedestrian Gate.

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

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

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

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### **APPLICATION DETAILS**

No: 18/0305 Ward: **SHAFTESBURY**

Type: Full

Expiry Date: 12-JUN-2018

Applicant: **SAM HILL, NEWPORT NORSE YSGOL GYMRAEG BRO TEYRNON, BRYNGLAS DRIVE, NEWPORT, NP20 5QS**

Site: **Ysgol Gymraeg Bro Teyrnnon, Brynglas Drive, Newport, NP20 5QS**

Proposal: **ERECTION OF BOUNDARY FENCE AND GATES**

### **1. LATE REPRESENTATIONS**

1.1 The Council's Tree Officer has commented on the application with no objections and has requested 3no conditions be added onto the permission. The first relates to tree retention, stating that no existing trees, unless otherwise agreed in writing by the Local Planning Authority, shall be felled, topped or lopped. The second condition relates to root protection barrier, stating that no operations shall commence on site until the root barrier fencing has been installed in accordance with the submitted Tree Report. The third condition states that no development shall commence until an Arboriculturalist has been appointed, as first agreed in writing by the Local Planning Authority, to oversee the project for the duration of the development. The reason for the aforementioned conditions is to protect the important landscape features within the site.

### **2. OFFICER RESPONSE TO LATE REPRESENTATIONS**

2.1 The Tree Officer's comments are noted and are considered reasonable.

### **3. OFFICER RECOMMENDATION**

3.1 The recommendation that the application is granted with conditions remains with the addition of the 3no conditions requested by the Tree Officer.

**APPLICATION DETAILS**

**No:** 18/0364      **Ward:** **GRAIG**

**Type:** FULL

**Expiry Date:** 25-JUN-2018

**Applicant:** **R HARRIS**

**Site:** **17, CAERPHILLY ROAD, NEWPORT, NP10 8LE**

**Proposal:** **ERECTION OF NEW SINGLE STOREY EXTENSION TO THE SIDE AND REAR, CONVERSION OF EXISTING GARAGE INTO HABITABLE ACCOMMODATION AND INSERTION OF 2NO. ROOFLIGHTS**

**Recommendation:** **GRANTED WITH CONDITIONS**

**1. INTRODUCTION**

1.1 This application seeks full planning permission for the construction of a single storey extension to the side and rear of this detached house. It is also proposed to convert the garage into habitable accommodation and insert 2 no. roof lights in the front and rear roof slope of the garage.

**2. RELEVANT SITE HISTORY**

10/1052	DEMOLITION OF EXISTING CHURCH HALL AND COMMUNITY CENTRE AND THE CONSTRUCTION OF 2NO. DETACHED DWELLING HOUSES AND ASSOCIATED EXTERNAL WORKS	Granted with conditions
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**3. POLICY CONTEXT****3.1 Newport Local Development Plan 2011-2026**

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

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

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

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

**4. CONSULTATIONS**

4.1 None undertaken.

**5. INTERNAL COUNCIL ADVICE**

5.1 **HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS):** The proposal will result in the loss of the garage however the applicant has demonstrated that three off street

parking spaces will be provided which satisfies the requirements of the Newport City Council parking standards. I would therefore offer no objection to the application.

## **6. REPRESENTATIONS**

6.1 NEIGHBOURS: All properties sharing a common boundary with the application site were consulted (6 properties). Representations from one neighbour have been received raising the following:

- The ground level at the rear of 17 Caerphilly Road is at least two feet higher the ground level of 1 Birch Trees. Although a single storey extension is proposed it is much higher and as such causes much more impact than if the two properties were on level plots. When viewed from my kitchen it would appear much the same as viewing a double storey extension;
- The height of the proposed building will block nearly all the natural light we receive through the door and window in our kitchen/family room. This is important as this elevation of my house faces west and receives sun in the late afternoon and evening.
- The proposed building will be within 2 metres of my door and window and the roof level will be much higher than the top of our glazing thus blocking the available light;
- The proposed building will be far too close to my house. All properties in the Birch Trees and 17 Caerphilly Road have generous space between them, this application flies in the face of the current layout, appearance and general appeal of the homes in this area and will give the impression of being too dense. As such the proposed extension will be completely overbearing when viewed from my house;
- The original plans for 17 Caerphilly Road had much the same effect upon my property as the current application has. Agreement was reached that meant the house would not be overbearing when viewed from my home. The original application had to be amended as it was deemed as being too close to my boundary and house and the plan of the home was revised so that it did not appear to be so intrusive to my home. If granted this current application will in essence overrule the original planning application.
- There is a bedroom window on the side of our house which faces the proposed extension. The plans show a number of roof lights/windows to the existing garage. This causes concern due to privacy issues.
- The proposed extension would be 450mm from the boundary fence; this would make any painting or maintenance to my fence on their side impossible.
- The original planning permission had details of the rain water soakaway. If they extend the building how would they be able to connect to this system when it is on each corner of the existing building.
- As there is a height differential between ground levels and they have to construct similar soak-away it will just run off onto my drive and garage.

6.2 COUNCILLOR DAVID WILLIAMS: I wish this application to go to Planning Committee and to have a site visit. I do not agree that the impact of this extension is not overbearing and would like this tested by the Committee.

6.3 GRAIG COMMUNITY COUNCIL: No response.

## **7. ASSESSMENT**

7.1 It is proposed to construct a single storey extension which extends off the rear of an attached garage to the side of the house and wraps around the rear of the house. It would extend 6.3m from the rear of the garage and would be 3.4m in width at its widest point. It would also taper to follow the line of the garden boundary. The rear part of the extension, which extends off the rear of the house would measure 5.5m in width and 2.7m in depth. The extension would have a height of 3.3m with a flat roof. The extension would provide a TV room, toilet room and an extended living room. There would be one window to serve the toilet room and bi-folding doors serving the living room in the rear elevation. There would be a further set of bi-folding doors in the west facing side elevation. It is proposed to finish the extension in render.

7.2 It is also proposed to convert the existing garage into a bedroom. The garage door would be replaced with a uPVC window to match the existing windows. In the front and rear roof slopes of the garage it is proposed to install a roof light. The applicant has stated that these are to serve storage space within the roof space.

- 7.3 Policies GP2 (General Amenity), GP4 (Highways and Accessibility), GP6 (Quality of Design) and T4 (Parking) of the Newport Local Development Plan 2011-2026 are relevant to the determination of this application. The House Extensions and Domestic Outbuildings Supplementary Planning Guidance is also relevant.

#### **Neighbouring amenity**

- 7.4 Concern has been raised that due to a difference in ground levels between the application site and the neighbouring property (1 Birch Trees) there would be an overbearing impact on the neighbour and there would be a loss of light through a side door and window to a kitchen/family room. There is also concern that there could be a loss of privacy from the proposed roof lights to a first floor side elevation bedroom window of the neighbouring property.
- 7.4.1 The neighbouring property closest to the proposed extension is 1 Birch Trees. This property has a side elevation which faces towards the proposed extension. There is gap of around 0.5m between the side elevation and the application site, this allows enough space for a footpath alongside 1 Birch Trees. There is a ground floor door and small window in the side elevation of the neighbouring property which would face towards the proposed extension. There is also a first floor bedroom window in the side elevation. The door and small window serve a kitchen and dining room.
- 7.4.2 The House Extensions and Domestic Outbuildings Supplementary Planning Guidance (SPG) states that kitchens which contain a dining table or facilities that encourage communal activity as a habitable room. As such the side door and window are treated as protected windows. The SPG sets out tests to protect light in neighbouring habitable rooms. Where side habitable windows may be affected an elevation view 45 degree test should be undertaken from the centre point of a window or 2m above ground where the opening is a door. A proposed development should not project beyond the 45 degree splay.
- 7.4.3 The proposed extension would marginally infringe the 45 degree splay. Consideration needs to be given to how much this marginal infringement would affect the amount of light entering the kitchen/dining room and whether this would adversely affect the amenity of the neighbouring occupiers. It is noted that the neighbouring property has a set of double doors in the north facing elevation which serve the dining area, there is also a large window in the south west facing elevation serving the kitchen area and a smaller window in the east facing elevation which also serves the kitchen area. As such the kitchen/dining room is well served with windows in all elevations. Overall, it is considered that whilst there is a marginal infringement of the 45 degree splay the impact of this infringement would not be significant and adequate light would still enter the kitchen/dining room through the other two windows and double doors.
- 7.4.4 It is recognised that there is a difference in levels between 1 Birch Trees and the application site. As such the proposed extension would appear higher when viewed from 1 Birch Trees. The neighbour is concerned that this level change would result in an overbearing impact on their property. It is recognised that extensions which are built close to the boundaries of neighbouring properties can result in an overbearing impact on habitable windows or private amenity space. In this case, the proposed extension would be built along side the side elevation of 1 Birch Trees. There is no garden area along side the proposed extension and as such it would not result in any overshadowing or overbearing impact on private amenity areas. The impact on the side door and window are discussed above in terms of loss of light however, it is also recognised that there is an existing timber fence approximately 1.8m high built on the elevated ground level of the application site around 1m from the door and window. It is considered that the proximity of this fence already means that the outlook from the door/window is already relatively confined, as is the side area in general; which is mainly used for access to the front and rear of the property. When considering that there is good outlook from the other windows and doors serving the kitchen/dining room; it is not considered that the proposed extension would be significantly overbearing on the side door/window and the side area of the neighbouring property.

- 7.4.5 Concern is also raised that the proposed roof lights in the roof slope of the garage could affect the privacy of a bedroom window in the side elevation of 1 Birch Trees. The applicant has clarified that these windows would serve a storage space in the roof space however, it is possible that the roof space could be used as habitable accommodation without the need for planning permission and as such it is considered necessary to require the rear roof light to be obscured through a condition.
- 7.4.6 The neighbour is also concerned that because the proposed extension would be around 450mm from the boundary fence at its closest point maintenance of the fence would not be possible. There is a pinch point whereby the distance between the proposed extension and the boundary fence would be 450mm, elsewhere it increases to 600mm for a length of 2.8m and elsewhere it increases from 700mm to 2m off the shared boundary. It is not reasonable to assume the applicant would intend to maintain the boundary fence, nor are they obliged to however, it is considered that other than the small pinch point there would be adequate space to undertake some maintenance works. In any event, this is not a planning matter.
- 7.4.7 In terms of other neighbouring amenity, no. 19 Caerphilly Road is located on the western side of the application site. The rear element of the proposed extension would have bi-folding doors in the side elevation facing towards the side elevation of this neighbouring property. It is not considered that there would be any loss of privacy as there are no windows in the side elevation of no. 19 Caerphilly Road and there is a 2m high fence along the shared boundary.

### **Design**

- 7.5 It is proposed to construct a flat roof extension which would be located to the rear of the property. It would not be widely visible in the wider street scene and as such its visual impact would be limited. Notwithstanding this, it is considered that it would be of an acceptable design quality and the proposed materials are in keeping with the existing house. It is proposed to replace the existing garage door with a uPVC window which would have similar proportions and materials to those existing, this is considered to be acceptable.

### **Highways**

- 7.6 The proposal involves the conversion of the garage into habitable accommodation. As such there would be a loss of a parking space. The plans indicate that three parking spaces would be provided on the existing hardstanding at the front of the property. This is in accordance with the Parking Standards Supplementary Planning Guidance and the Head of Streetscene and City Services (Highways) has no objection on this basis.

### **Drainage**

- 7.7 Concern has been raised that the original planning permission included details of a soakaway and that the extension may prevent a connection to this system. There is also concern that connection with another soakaway would mean water would run off onto the neighbouring drive and garage.
- 7.7.1 The applicant has stated that it is proposed to discharge surface water run-off to the mains sewerage system and connection with the public sewerage system would need to be obtained with Welsh Water outside of the planning system. Notwithstanding this, application 13/0793 agreed drainage details in relation to the original planning permission for the application property. It was agreed that downpipes would connect with soakaways which are located in the rear portion of the rear garden and within the front drive. It is considered reasonable that such a system could continue to deal with the surface water runoff from the proposed extension.

## **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 ***Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 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. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

## 9. **CONCLUSION**

9.1 The proposed development is considered to be acceptable. It is not considered to be harmful to neighbouring residential amenity, highway safety or visual amenity; and it is considered to be in accordance with policies GP2, GP4, GP6 and T4 of the Newport Local Development Plan 2011-2026 (Adopted January 2015). 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: 100, 101, 01, 02, 05 and 06.

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 details/samples of materials and finishes to be used on the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out using the approved materials.

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

***General conditions***

03 No windows shall be formed in the east facing side elevation of the extension hereby approved.

Reason: To protect the privacy of neighbouring occupiers.

04 The roof light in the rear slope of the garage shall be fitted with obscure glazing and shall be retained in that state thereafter in perpetuity.

Reason: To protect the privacy of adjoining occupiers.

***NOTE TO APPLICANT***

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

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

03 The House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted August 2015) was relevant to the determination of this application.

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

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**APPLICATION DETAILS**

**No:** 18/0402      **Ward:** LLISWERRY

**Type:** FULL (MAJOR)

**Expiry Date:** 17-AUG-2018

**Applicant:** STARBURST

**Site:** LANGLAND PARK WEST, LANGLAND WAY, NEWPORT, NP19 4PT

**Proposal:** ERECTION OF EXTENSION TO PROVIDE 1566M2 OF CLASS B1/B2/B8 FLOORSPACE AND ASSOCIATED PARKING

**Recommendation: Granted with Conditions**

**1. INTRODUCTION**

- 1.1 This application seeks consent for the extension of an existing building to provide 1,566 additional square metres of floor space for B1/B2/B8 use and associated parking at the former Carcraft site at Langland Way, Spytty.
- 1.2 The site is located within the urban boundary of Newport, on previously developed land. There is a local and national policy presumption in favour of sustainable development and the redevelopment of the site is therefore considered by officers to be acceptable in principle subject to all other relevant considerations.
- 1.3 The application is being reported to Planning Committee as the proposals fall within the 'major' category as the floorspace being created exceeds 1000 square metres.

**2. RELEVANT SITE HISTORY**

16/0438	ERECTION OF 2NO. BUILDINGS FOR B1/B2/B8 USE TO PROVIDE 5,498 SQUARE METRES OF FLOOR SPACE AND ASSOCIATED INFRASTRUCTURE INCLUDING PARKING AND CIRCULATION AREAS	Granted with Conditions
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**3. POLICY CONTEXT**

- 3.1 **Newport Local Development Plan 2011 – 2026 (Adopted January 2015)**
- SP1 – Sustainability favours proposals which make a positive contribution to sustainable development.
- SP3 – Flood Risk ensures development is directed away from flood risk areas.
- SP17 – Employment allocates 172 hectares of employment land for the plan period.
- SP18 – Urban Regeneration supports development which assists the regeneration of the urban area, particularly the city centre and the reuse of vacant, underused or derelict land.
- GP1 – Climate Change states that development should be designed to withstand predicted climate change and reduce the risks and consequences of flooding, minimise energy requirements, reuse/recycle construction material and meet the relevant BREEAM or Code for Sustainable Homes Level.
- GP2 – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
- GP3 – Service Infrastructure states that development will only be provided where necessary and appropriate service infrastructure either exists or can be provided. This includes power supplies, water, means of sewage disposal and telecommunications.
- GP4 – Highways and Accessibility states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and

cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.

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

CE6 – Archaeology states that proposals in areas known to have archaeological interest or potentially have archaeological interest will be required to undertake an archaeological impact assessment.

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

### 3.2 **Adopted Supplementary Planning Guidance:**

Parking SPG – August 2015

Archaeology & Archaeologically Sensitive Areas SPG – August 2015

## 4. **CONSULTATIONS**

4.1 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: No objection.

4.2 NATURAL RESOURCES WALES: The application site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, which is a designated main river. We note that the application is for the erection of a 1566m<sup>2</sup> extension for class B1/B2/B8 use which is classified as less vulnerable development. It is recommended that you should only grant planning permission if you attach a finished floor level condition. This condition would address significant concerns that we have identified and we would not object provided you attach them to any planning permission you are minded to grant.

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

4.4 DWR CYMRU - WELSH WATER: Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal.

## 5. **INTERNAL COUNCIL ADVICE**

5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): I am satisfied with the findings of the transport statement including the proposed parking provision which meets the requirements of the Newport City Council Parking Standards. I would therefore offer no objection to the application subject to conditions requiring a Travel Plan and Construction Management Plan.

5.2 HEAD OF LAW AND REGULATION (NOISE) or (POLLUTION): No objection.

## 6. **REPRESENTATIONS**

6.1 NEIGHBOURS: All properties within 50m were consulted (2no properties), a site notice displayed and a press notice published in the South Wales Argus. No response were received.

## 7. **ASSESSMENT**

7.1 The application site is located within the Leeway Industrial Estate and comprises 0.16 hectares. The site is within the confines of the former Carcraft site and specifically relates to the extension of a unit along the southern boundary of the site which was granted planning permission in 2016. Vehicle access to the buildings would be from the existing access to the site off Langland Way. The site is surrounded by a mixture of established

commercial and industrial uses to the east, south and west and to the north it is bordered by the Southern Distributor Road.

- 7.2 The rectangular shaped extension would be sited to the rear of the existing building and would measure 26m in width, 59.5m in length and 9.7m in height to the ridge. The extension would have a shallow pitched roof and would be utilitarian in its design to match the host building. As with the existing building, the extension would be sub-divided to provide smaller units in order to provide flexibility for future occupiers. Parking is provided to the front and sides of the proposed buildings. A cycle store would also be provided. Roller shutter doors are proposed in the northern elevation. The buildings would be clad in metallic silver micro-rib whilst the roofs would be clad in Kingspan Goosewing Grey, with skylights within the roofs. Whilst the scale of the proposed extension is considerable, within the context of the application site and the existing building it is not considered that it would be out of keeping in this predominantly industrial/commercial area.
- 7.3 The proposed employment use of B1/B2/B8 would provide 1,566 square metres of additional floor space. This would contribute to the Council's employment land supply. The proposals represent a sustainable use of brownfield land and are located within an existing industrial area with associated infrastructure. The proposals are considered to be an appropriate use at the site.
- 7.4 The application is accompanied by a Transport Assessment. The extension would result in the displacement of 24no parking spaces. However, the applicant proposes to provide 81no parking spaces (including 8 disabled spaces) resulting in a net increase of 57no spaces. The Head of Streetscene and City Services (Highways) confirms the level and layout of the parking provision to be acceptable and it is not considered that the proposals would result in a detrimental impact to highway safety.
- 7.5 Conditions requiring the submission of a travel plan and a Construction Environmental Management Plan are requested.
- 7.6 In terms of impact of the development on the neighbouring units, the proposal would result in a distance of approximately 18m between the nearest part of the building and the neighbouring commercial/industrial building to the south. Given the commercial/industrial nature of the units concerned this relationship is considered to be acceptable. The extension is sited to the north of the neighbouring building and consequently the shadow cast by the development falls in the direction of former Carcraft building and the hardstanding area between the former Carcraft building and the application building and not towards the neighbouring building. Consequently, the new building does not cause a significant degree of overshadowing or any demonstrable adverse effect.
- 7.7 The application site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). NRW Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, which is a designated main river. NRW note that the application is for the erection of a 1566m<sup>2</sup> extension for class B1/B2/B8 use which is classified as less vulnerable development.
- 7.8 NRW have reviewed the submitted Flood Consequences Assessment (FCA) prepared by Marsden Associates dated May 2018 (reference MA/NPT/11/v2). The FCA has been informed by the latest NRW tidal model and have included interpolated results for the full lifetime of development (LOD) of 75 years, and is therefore fit for purpose.
- 7.9 NRW note that the proposed finished floor levels of the extension are to be set at 8.15m AOD in line with the existing building. Based on an adjusted level to account for a 75 year LOD the predicted flood level during the 0.5% (1 in 200 year) plus climate change allowance (CCA) is 8.15m AOD. Based on this, NRW note that the building is designed to meet A1.14 criteria. They therefore advise the above condition to set the finished floor levels is included on any permission the Council is minded to grant.

- 7.10 During the 0.1% (1 in 1000 year) plus CCA event the predicted flood level for an adjusted 75 year LOD is 8.3m AOD. Based on the proposed finished floor level of 8.15m AOD the property is predicted to flood to a depth of 150mm. This is within the tolerable limits set out in TAN 15. In addition, we note that the maximum velocity at the site is 1.52 m/s. Based on the predicted flood depth this would correspond to a hazard rating of 'very low hazard'. NRW note that other criteria of A1.15 (rate of rise and speed of inundation) have not been assessed.
- 7.11 The FCA has identified an evacuation route northward and onto Spytty Road / Queensway. It has also identified a dry pedestrian access route via the railway embankment towards Somerton. As it is for the Local Planning Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, NRW recommend that the LPA consider consulting other professional advisors on the acceptability of the developer's proposals, on matters that NRW cannot advise on such as emergency plans, procedures and measures to address structural damage that may result from flooding. However, the LPA does not have the benefit of any other professional advisors and will not require the applicant to produce an emergency plan.
- 7.12 The application includes the provision of a net increase of 57 parking spaces. NRW note that the FCA has not provided details of the proposed level of the parking spaces, or the potential consequences of flooding to this area. NRW are therefore unable to provide advice on this aspect of the proposal. NRW note the previous use of the land and that the proposal is an extension to the wider site development. They advise that if the LPA require further assessment of this aspect of the development from the applicant NRW can provide advice. However, given the likely low hazard of flooding predicted over the lifetime of development, in this instance, NRW have no further comments to make.
- 7.13 NRW recommend that the Council should only grant planning permission if a condition relating to finished floor levels is attached. Subject to such a condition it is not considered that the proposals would result in an unacceptably greater risk in terms of flooding.
- 7.14 The site is within an Archaeological Sensitive Area. The Glamorgan Gwent Archaeological Trust have advised that the ground work required by the proposed development is minimal and as such they offer no archaeological objection to the proposed development.

## **8. OTHER CONSIDERATIONS**

### **8.1 *Crime and Disorder Act 1998***

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

### **8.2 *Equality Act 2010***

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

### **8.3 Having due regard to advancing equality involves:**

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

### **8.4 The above duty has been given due consideration in the determination of this application. It is considered that 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 **Newport's Well-Being Plan 2018-23**

The Wellbeing of Future Generations (Wales) Act 2015 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. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

**9. CONCLUSION**

9.1 The proposals represent the development of a prominent brownfield site and would provide economic benefits, therefore according with National and Local Planning Policy. The proposed extension is considered to be in scale and keeping with the host building and would not result in a detrimental impact to neighbouring amenity.

9.2 It is considered that the proposals would not result in a detrimental impact to the local highways networks and sufficient parking provision is to be provided on site.

9.3 Subject to a finished floor level condition the consequences of a flood can be acceptably dealt with.

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

**10. RECOMMENDATION**

**GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents: 811042/2, 811042/1.

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 – construction conditions**

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

- dust suppression measures, having regard to BRE guide 'Control of Dust from construction and demolition activities;
- construction site compound;
- contractor parking and
- wheel washing facilities.

The development shall be carried out in accordance with the approved CMP.

Reason: In the interests of highway safety.

**Pre –occupation conditions**

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

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

04 Prior to the first use of the buildings hereby approved a Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall clearly explain how reliance on private motor vehicles is to be reduced and how the use of other forms of transport by occupiers of the site will be encouraged. The Travel Plan shall be implemented as approved.

Reason: To ensure the efficient function of the site, to avoid any adverse impacts on the local highways and to promote sustainable transport.

### ***General conditions***

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

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

06 Finished floor levels for the seven proposed units shall be set no lower than 8.15 metres above Ordnance Datum (AOD) (Newlyn).

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

### ***NOTE TO APPLICANT***

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP17, SP18, GP1, GP2, GP3, GP4, GP6, CE6 and T4 were relevant to the determination of this application.

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

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

04 On behalf of Dwr Cymru – Welsh Water the applicant is advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. They request the applicant contacts us on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.



**APPLICATION DETAILS**

**No:** 18/0454      **Ward:** ALLT-YR-YN

**Type:** FULL

**Expiry Date:** 11-AUG- 2018

**Applicant:** MR DAVIDSON

**Site:** 74, RISCA ROAD, NEWPORT, NP20 4JA

**Proposal:** **FIRST FLOOR REAR EXTENSION AND INSERTION OF DOOR IN FRONT ELEVATION AND ALTERATIONS TO FRONT BOUNDARY WALL**

**Recommendation:** **GRANTED WITH CONDITIONS**

**1. INTRODUCTION**

- 1.1 This application seeks planning permission for a first floor rear extension over the existing single storey, on this end of terrace property at 74 Risca Road, Rogerstone. The works proposed also include insertion of a doorway in the front elevation (the main entrance door is currently on the side elevation) and alterations to the front boundary wall to allow an entrance way and footpath to the front door. The extension will be constructed of materials to match the existing dwelling (render and slate).
- 1.2 This application is referred to Committee since the applicant is the spouse of a staff member of the Local Planning Authority.

**2. RELEVANT SITE HISTORY**

None

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

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

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

3.2 ***Supplementary Planning Guidance (Adopted)***

- Parking Standards SPG – August 2015
- House Extensions and Domestic Outbuilding SPG – August 2015

**4. CONSULTATIONS**

- 4.1 DWR CYMRU/WELSH WATER: We would inform you that a public sewer is crossing the application site. We have attached a copy of the public sewer record indicating the location of these assets. We would therefore request that the following be included in any planning consent you are minded to grant: The proposed development site is crossed by a public sewer with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services (0900 9172652). The developer must contact us if a

sewer connection is required under Section 106 of the Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

## **5. INTERNAL COUNCIL ADVICE**

5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): In accordance with the Newport City Council Parking Standards, the proposal will not alter the parking demand at the property and I would therefore offer no objection to the application.

## **6. REPRESENTATIONS**

6.1 NEIGHBOURS: All properties that share a common boundary with the application site were consulted (3 No addresses). No representations were received.

6.2 COUNCILLORS: Consulted 14 June 2018.

6.3 ROGERSTONE COMMUNITY COUNCIL: No response to date.

## **7. ASSESSMENT**

7.1 The property benefits from a large rear garden. The property currently has a part two storey, part single storey rear projection and the extension will extend over the single storey projection and continue the height of the existing 2 storey rear projection. It will have a width of 3.3 metres, a depth of 4.1 metres; it will have a pitched roof with eaves at 4 metres and ridge at 5.1 metres. At ground floor the window pattern will remain as existing. At first floor the room served by the existing side (south east) window will be changed from a bedroom to ensuite and two roof lights (bedroom) are proposed. To the rear patio doors will be installed at both ground and first floor with a Juliet balcony to the first floor.

7.2 The application site is an end of terrace with approximately 11 metres between the dwelling and its non-attached neighbour. Whilst the proposed extension would be to the rear, it would be visible from Risca Road. The proposed extension would continue the height of the existing two storey extension, which is in turn, set down from the main house. The new roof would have a gabled end and this is considered appropriate and in keeping with the existing building form. The choice of materials (painted render and slate) is considered to respect the character and design of the existing property and is considered to be in accordance with the Supplementary Planning Guidance for House Extensions.

7.3 The Council's Supplementary Planning Guidance "House Extensions" provides guidance on the impacts of development on neighbouring living conditions. The impact of the proposal on both neighbouring properties has been assessed.

7.4 Sunlight & Daylight: The house extensions and domestic outbuildings SPG (Aug-2015) sets out tests for loss of light which relate to neighbours' habitable rooms. In most cases, a proposal that fails the 25° test in relation to a neighbour's protected window will not receive planning permission. Similarly, a proposal that fails two or more of the 45° tests in relation to a single protected window is unlikely to be acceptable.

7.5 To the rear elevation of No.72, the proposal fails the 45° horizontal test in relation to both the ground and first floor rear windows, however it passes the vertical test. To the side elevation, the kitchen window of no. 72 currently faces the existing 2 storey element of the building, and while there is a further window and door facing the proposed new extension, both of these serve non-habitable rooms (lobby and w/c). The extension is not considered to have any additional impact in terms of loss of light or overbearing.

7.6 Overlooking / privacy: In order to preserve residents' privacy in their homes, suitable separation distances must exist between new high-level protected windows and the protected windows in neighbouring houses. Two roof lights are proposed in the side elevation, while these will be approximately 1.4 metres above floor level, they will face over the single storey roof of No.72. A new first floor patio door and Juliet balcony is proposed in the rear elevation, there are no dwellings immediate to the rear and this will face down the rear garden (approximately 17 metres) and across fields beyond.

- 7.7 Overbearing: The Council's SPG sets out assessment for the loss of perceived space and visual amenity, it notes development that reduces the distance between a neighbouring protected window and a proposed blank two-storey elevation to less than 14 metres is unlikely to be acceptable. While habitable rooms face the existing dwellings, there are no habitable rooms in either side elevation directly facing the new first floor extension.
- 7.8 Overall the proposal is not considered to result in a detrimental impact on residential amenity by way of overbearing impact, loss of light or loss of privacy in this instance and is in accordance with policy GP2.
- 7.9 The proposed extensions would leave adequate usable amenity space for occupiers of the property.
- 7.10 The insertion of a front door and alterations to the front boundary wall are considered to be in keeping with the character of the terrace.
- 7.11 There are no alterations to the existing parking situation. The existing property has 3 bedrooms, and Highways have confirmed the proposal will not alter the parking demand at the property.

## **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 *Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 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. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which

was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

## **9. CONCLUSION**

9.1 The design and materials are in keeping with the character of the terrace and the surrounding area, the forms of the extension respects the style and proportions of the property. It is not considered that there would be an unacceptable impact on the amenity of neighbouring occupiers when assessed against the adopted policies and guidance and is therefore acceptable.

## **10. RECOMMENDATION**

### **GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents: WA113056, 05, 06, 07 08 and 09.

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 The external surfaces of the extension hereby permitted be of materials to match those used in the existing building.

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

#### ***General conditions***

03 No window or door openings (other than those shown on the approved plan) shall be formed in either side elevation of the extension hereby approved.

Reason: To protect the privacy of adjoining residents.

#### ***NOTE TO APPLICANT***

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

02 House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted August 2015) and Newport City Council Parking Standards (Adopted August 2015) was relevant to the determination of this application.

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

04 A public sewer crosses the application site.

**APPLICATION DETAILS**

**No:** 18/0482      **Ward:** CAERLEON

**Type:** FULL

**Expiry Date:** 10-AUG-2018

**Applicant:** GAIL BISHOP, NEWPORT NORSE

**Site:** CAERLEON COMPREHENSIVE SCHOOL, COLD BATH ROAD, CAERLEON, NEWPORT, NP18 1NF

**Proposal:** REPLACEMENT OF 1NO. PAIR OF AUTOMATED VEHICULAR ENTRANCE GATES AND POSTS, INSTALLATION OF ADDITIONAL CCTV CAMERA TO PEDESTRIAN GATE AND INSTALLATION OF CARD READER INTERCOM POST

**Recommendation:** GRANTED WITH CONDITIONS

**1. INTRODUCTION**

- 1.1 This application is being reported to Planning Committee because it relates to a Council owned property.
- 1.2 This application seeks planning permission for the replacement of an existing pair of vehicular entrance gates with new automatic gates and new gate posts that will be set back from the current location of the existing gates by 4m. A short stretch of new fence will be required in the return of the now recessed gates. A new card reader to open the new vehicular gates will be provided on the existing gate post on the northern side of the entrance which will be retained in its current position. The existing southern gate post will be removed.
- 1.3 Additionally it is proposed to install 1no. additional CCTV camera on a building within the school site to provide a view of the pedestrian gate which will have a new access control system installed (lock and card reader).

**2. RELEVANT SITE HISTORY**

No relevant site history.

**3. POLICY CONTEXT**

- 3.1 Policies GP2 (General Amenity) and GP6 (Quality of Design) of the Newport Local Development Plan 2011-2026 (adopted January 2015) are relevant to the determination of this planning application.
- 3.2 Policy GP2 (General Amenity) states: development will be permitted where, as applicable:
- i) There will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality;
  - ii) The proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;
  - iii) The proposal seeks to design out the opportunity for crime and anti-social behaviour;
  - iv) The proposal promotes inclusive design both for the built development and access within and around the development;
  - v) Adequate amenity for future occupiers.
- 3.3 Policy GP6 (Quality of Design) states: good quality design will be sought in all forms of development. The aim is to create a safe, accessible, attractive and convenient

environment. In considering development proposals the following fundamental design principles should be addressed:

- i) Context of the site: all development should be sensitive to the unique qualities of the site and respond positively to the character of the area;
- ii) Access, permeability and layout: all development should maintain a high level of pedestrian access, connectivity and be laid out so as to minimise noise pollution;
- iii) Preservation and enhancement: where possible development should reflect the character of the locality but avoid the inappropriate replication of neighbouring architectural styles. The designer is encouraged to display creativity and innovation in design;
- iv) Scale and form of development: new development should appropriately reflect the scale of adjacent townscape. Care should be taken to avoid over-scaled development;
- v) Materials and detailing: high quality, durable and preferably renewable materials should be used to complement the site context. Detailing should be incorporated as an integral part of the design at an early stage;
- vi) Sustainability: new development should be inherently robust, energy and water efficient, flood resilient and adaptable, thereby facilitating the flexible re-use of the building. Where existing buildings are present, imaginative and sensitive solutions should be sought to achieve the re-use of the buildings.

#### **4. CONSULTATIONS**

4.1 None.

#### **5. INTERNAL COUNCIL ADVICE**

5.1 HEAD OF STREETSCENE (HIGHWAYS): No objection.

#### **6. REPRESENTATIONS**

6.1 NEIGHBOURS:

All properties with a common boundary with the application site were consulted (5no. properties) and a site notice was displayed. No objections were received.

#### **7. ASSESSMENT**

7.1 The proposal seeks to replace the existing manually operated vehicular access entrance gates that measure 2.4m high and 5m wide with automated vehicular access entrance gates. The proposed vertical bar gates would measure a height of 2.4m and a width of 5m to match the dimensions of the existing opening. The new vehicular gates are to match the existing vertical bar pedestrian gates. The gates, posts and fittings are to be galvanised and powder coated green (RAL 6005). The alternative main pedestrian gate linking the external footpath with the site is to be retained and fitted with a hydraulic closer, magnetic lock and access panel. It is proposed to install a new CCTV camera to the corner of Block E that will view the pedestrian gate. The vehicle gate automation system will be completed with a hydraulic closer, magnetic lock and access panel. The automated system is to comprise of a key operated manual override and fitted with a physical gates stops in open and closed positions with built in anti-crushing system and self-regulating monitoring.

7.2 The new vehicular gates will be set back approximately 4m from the position of the current gates and a short stretch of fencing which will match the gates will be installed to close off the return created by recessing the gates. A card reader that will open the gates is to be installed on the existing northern gatepost which is to be retained. The card reader will be at a suitable height for access from a car with a face plate connected to main reception. The existing southern gatepost is to be removed.

7.3 The proposed vehicular gates by reason of their design and scale are not considered to have an impact on visual amenity. It is considered that the proposed vehicular gates would provide a safe and secure entrance for the school, and it is not considered that the gates would have a harmful impact on the appearance of the school and the wider streetscene. The proposed CCTV camera is located within the school grounds and due to its size will not be readily visible from the streetscene. The Council's Highways Officer has commented on the application and has no objections in relation to the vehicular gates and CCTV camera. Therefore, it is considered that the proposed development is in accordance with policy GP2 and GP6.

## **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 *Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 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. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

## **9. CONCLUSION**

9.1 The proposed development by reasons of its scale, location and design would satisfy policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

## **10. RECOMMENDATION**

### **GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents:

- Drawing A00389-02 C - Existing and Proposed Block Plans
- Drawing A00389-03 D – Existing and Proposed Block Plans

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

*NOTE TO APPLICANT*

01 This decision relates to the plans & documents in addition to those cited in Condition 01:

- Drawing A00389-01 B - Site Location Plan

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

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

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

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**APPLICATION DETAILS**

**No:** 18/0489      **Ward:** *TREDEGAR PARK*

**Type:** FULL

**Expiry Date:** 30-AUG-2018

**Applicant:** *GARETH DRAPER, NEWPORT CITY COUNCIL*

**Site:** *YSGOL GYFUN GWENT IS COED, DUFFRYN WAY, DUFFRYN, NEWPORT*

**Proposal:** *TEMPORARY SITING OF A TWO STOREY DEMOUNTABLE CLASSROOM (AUGUST 2018 TO APRIL 2021)*

**Recommendation:** **GRANTED WITH CONDITIONS**

**1. INTRODUCTION**

- 1.1 This application seeks consent to install a two-storey demountable building in the grounds of Ysgol Gyfun Gwent Is Coed for a temporary period until April 2021. The proposed building would have a rectangular shape, measuring 21m x 10m and having a flat roof, reaching 5.9m in height.
- 1.2 Ysgol Gyfun Gwent Is Coed is a new Welsh Medium Secondary School which was granted permission on 29 May 2016 involving the subdivision of Duffryn High School and the construction of new school blocks and associated education facilities (16/0222). The school is currently under construction and is due to open in September 2018. The site is within the urban area but lies within Zone C1 flood risk area.

**2. RELEVANT SITE HISTORY**

- 16/0222      CONSTRUCTION OF 2NO. 3 STOREY NEW TEACHING BLOCKS ON THE CURRENT DUFFRYN HIGH SCHOOL SITE. SUBDIVISION OF THE SITE TO FACILITATE THE PROVISION OF A WELSH MEDIUM SCHOOL IN BLOCKS 1 AND 5 AND ENGLISH MEDIUM SCHOOL IN BLOCK 2, 3 AND 4. NEW INTERNAL SECURITY FENCING AND GATES AND SOME REPLACEMENT EXTERNAL SECURITY FENCING, NEW SPORTS PTICHES, MUGA'S AND PLAYING FIELD ON THE EXISTING SITE. FLOODLIGHTING OF 3G ALL WEATHER PITCH. NEW VEHICLE AND PEDESTRIAN CROSSING ON DUFFRYN WAY AND CONTROLLED PEDESTRIAN CROSSING ON LIGHTHOUSE ROAD. MINOR INTERNAL ALTERATIONS AND NEW ENTRANCE WITH CANOPY AND GLAZED SCREEN AND ACCESS RAMP TO BLOCK 2. (RESUBMISSION FOLLOWING REFUSAL OF PLANNING APPLICATION 15/1103)  
Granted with Conditions 19/05/2016
- 16/1177      NON MATERIAL AMENDMENT TO PLANNING PERMISSION 16/0222 FOR CHANGES TO PHASE 2 CAR PARK  
Approved with Conditions 04/01/2017
- 17/0659      NON MATERIAL AMENDMENT TO PLANNING PERMISSION 16/0222 (PROVISION OF A WELSH MEDIUM SCHOOL AND OTHER ALTERATIONS) TO REPLACE/RELOCATE REFUSE STORAGE AREA, NEW FOOTPATHS, RECONFIGURATION OF ENTRANCE TO BLOCK 05, CHANGES TO EXTERNAL FINISHES/COLOURS, ALTERATIONS TO WINDOWS OF BLOCKS 04 AND 05 AND OMISSION OF ENTRANCE CANOPY TO BLOCK 04  
Approved with Conditions 14/09/2017

**3. POLICY CONTEXT**

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

Policy <b>SP1 Sustainability</b> favours proposals which make a positive contribution to sustainable development.
Policy <b>SP3 Flood Risk</b> ensures development is directed away from flood risk areas.
Policy <b>SP4 Water Resources</b> favours developments that minimises water consumption, incorporates SUDs and generally manages water resources and drainage effectively.
Policy <b>SP9 Conservation of the Natural, Historic and Built Environment</b> 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 <b>CE6 Archaeology</b> states that proposals in areas known to have archaeological interest or potentially have archaeological interest will be required to undertake an archaeological impact assessment.
Policy <b>GP1 General Development Principles – Climate Change</b> states that development should be designed to withstand predicted climate change and reduce the risks and consequences of flooding, minimise energy requirements, reuse/recycle construction material and meet the relevant BREEAM or Code for Sustainable Homes Level.
Policy <b>GP2 General Development Principles – General Amenity</b> 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 <b>GP3 General Development Principles – Service Infrastructure</b> states that development will only be provided where necessary and appropriate service infrastructure either exists or can be provided. This includes power supplies, water, means of sewage disposal and telecommunications.
Policy <b>GP4 General Development Principles – Highways and Accessibility</b> 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 <b>GP5 General Development Principles – Natural Environment</b> 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 <b>GP6 General Development Principles – Quality of Design</b> 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 <b>GP7 General Development Principles – Environmental Protection and Public Health</b> states that development will not be permitted which would cause or result in unacceptable harm to health.
Policy <b>T4 Parking</b> states that development will be expected to provide appropriate levels of parking.

## 4. CONSULTATIONS

### 4.1 WALES AND WEST UTILITIES

No objections to the proposal subject to informative notes.

### 4.2 WELSH WATER

### Sewerage

Having reviewed the submitted drainage plan (drawing 15110-122 Revision A) we acknowledge foul water is to be disposed of via the existing schools private foul network which is acceptable in principle. In relation to the disposal of surface water from the temporary building, we note it states on the same drawing that 'downpipes from roof to discharge onto tarmac at rear of building'. However, having also reviewed the submitted drainage strategy report (ref: 13110.D100), we note that the applicant states that it is 'proposed that new areas of hardstanding will be drained into the receiving, existing watercourses at a rate equivalent to the green field run-off rate'. Therefore, on the basis that surface water is to be disposed of sustainably via a discharge to an existing watercourse, we can confirm we have no objections to this application.

Advisory note were also provided.

### Water Supply

Dwr Cymru Welsh Water has no objection to the proposed development.

Advisory note were also provided.

## 4.3 NATURAL RESOURCES WALES

We have no objection to the proposed development as submitted. Detailed advice regarding flood risk and protected species is provided below.

### Flood Risk

The application proposes highly vulnerable development (school buildings) entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under TAN 15. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Ebbw and within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) tidal flood outlines.

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. This is a matter entirely for your authority. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level in line with TAN15.

The submitted FCA was used to support a previous planning permission on site. It is informed by hydraulic modelling (from 2015) which we previously reviewed and advised was fit to inform the FCA. However, since then we have undertaken a catchment-wide hydraulic model for the River Ebbw. This model is due to be included in our next flood map and DAM update in October this year.

### Advice on A1.14

As the proposal is temporary, we have not assessed the consequences of flooding with an allowance for climate change. The FCA states that during the predicted 1% (1 in 100 year) fluvial event, the site is at risk of flooding to a depth up to 1.15m. Therefore, the FCA shows the site fails to meet A1.14 criteria.

The FCA shows the site is flood free without climate change allowance (CCA) during a predicted 0.5% (1 in 200 year) tidal event.

However, we have looked at the flood risk information from the Ebbw catchment-wide model (which is available to the applicant on request). This shows the site is predicted to be flood free during the 1% fluvial event without CCA.

On this basis, given the temporary nature of the demountable classrooms, we are satisfied that the proposal meets A.14 of TAN15. If the proposal changes and the period for the classrooms on site is extended, we should be re-consulted.

### Further Advice - A1.15

The FCA statement (prepared by CES dated 6/7/18) does not provide the 0.1% (1 in 1000 year) fluvial flood depths or velocities. However, with reference to the 2015 FCA (Section 6) a flood level of 7.94-7.97mAOD is predicted, resulting in flood depths of between 1.2m and 1.5m on site. Flood velocities peak at 0.55m/s on site during this event, which also exceeds the guideline value of 0.15m/s in TAN15. Therefore, the proposal would not meet the guidance in A1.15 of TAN15.

As the applicant has not used the most up to date data available (updated River Ebbw catchment model) we are unable to provide further advice on A1.15.

#### Further Advice - A1.12

We note that no specific mitigation measures have been proposed for the temporary buildings, however, we understand the whole site is part of the wider 'John Frost School & Ysgol Gyfun Gwent Is Coed - Flood Emergency Management Plan'.

We recommend you consider consulting other professional advisors on the acceptability of the developer's proposals, on matters we cannot advise you on such as emergency plans, procedures and measures to address structural damage that may result from flooding. We refer you to the above information and the FCA to aid these considerations. Please note, we do not normally comment on or approve the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

#### European Protected Species

We note that the bat report was used to support a previous planning permission was carried out in August 2015. We therefore recommend you seek the advice of your in-house ecologist to determine the requirement for updated bat surveys to be undertaken to inform this application.

#### 4.4 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST (GGAT)

You will recall that we recommended archaeological mitigation in connection with the application 16/0222, and subsequently an archaeological Written Scheme of Investigation (Duffryn High School, Lighthouse Road, Newport: Archaeological Written Scheme of Investigation GGAT Projects, June 2016, 2016-039) was submitted, which detailed a methodology for the recording of all archaeological remains that survive in the application area, in order to mitigate potential damage/destruction during the course of the development. This document is also submitted as part of the supporting documents for this application. Specifically, the WSI documents a programme of work for a watching brief with contingencies for sufficient time and resources to ensure that any archaeological features or finds are properly excavated recorded and removed; also for the provision of sampling; post-excavation and analysis, reporting and possible publication. It remains the case that the document meets current professional standards and presents both a coherent and appropriate mitigation strategy.

To ensure adherence to the stated mitigation strategy we recommend that a condition should be attached to any consent granted by your Members and be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014.

*No development shall take place until the applicant, or their agents or successors in title, has secured implementation of a programme of archaeological work in accordance with that outlined in "Duffryn High School: Archaeological Excavation Written Scheme of Investigation" (GGAT Projects, June 2016, 2016-039).*

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

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

*The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (Cifa), ([www.archaeologists.net/codes/cifa](http://www.archaeologists.net/codes/cifa))*

*and it is recommended that it is carried out either by a ClfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.*

## **5. INTERNAL COUNCIL ADVICE**

### **5.1 HEAD OF CITY SERVICES (HIGHWAYS)**

The applicant has stated that the proposal will not increase the population of the school and therefore the parking demand will not increase in accordance with the Newport City Council Parking Standards.

I would offer no objection to the application subject to a condition which requires the submission of a CEMP which must include such details as wheel wash facilities, dust suppression and contractor parking/compound.

### **5.2 HEAD OF CITY SERVICES (COUNTRYSIDE MANAGER)**

No comments to make on the proposal.

### **5.3 HEAD OF CITY SERVICES (TREES)**

No objections subject to a condition for the measures specified in the submitted tree protection plan to be undertaken prior to the commencement of development.

### **5.4 HEAD OF LAW AND REGULATORY SERVICES (PUBLIC PROTECTION)**

No objections to the proposal subject to condition for the submission of a Construction Environmental Management Plan (CEMP) and to control noise emitted from any plant and equipment.

## **6. REPRESENTATIONS**

### **6.1 NEIGHBOURS:**

A site notice was displayed adjacent to the application site. No representations were received.

## **7. ASSESSMENT**

**7.1** This application seeks consent to install a two-storey demountable building in the grounds of Ysgol Gyfun Gwent Is Coed for a temporary period until April 2021. Since this proposal would be in connection with an existing school which is located within the urban boundary, the provision of additional facilities to support this use is, in principle, broadly acceptable. There is however a requirement to satisfy a number of relevant planning policies and material considerations. These will now be assessed in turn.

### **7.2 Design/Visual Amenity**

The proposed building would have a rectangular shape, measuring 21m x 10m and having a flat roof, reaching 5.9m in height. The building would be sited on a series of square pre-cast concrete slabs, in an existing impermeable hardstanding yard. This yard is located at the northern end of the school grounds. Having reviewed the approved plans for the school, this area was not set-aside for any particular purpose, therefore the siting of the proposed building in this location and on a temporary basis is acceptable and would not prejudice the functioning of the school when in use. There are existing school buildings to the south and west, a purpose-built multi-use games area to the east and the northern boundary consists of a band of mature trees and hedgerow which separates the site from Duffryn Way.

**7.4** The proposed building would be based on a rather simple shape and utilitarian design and appearance. It would be externally finished in low-key materials and colours, namely goosewing grey elevations with horizontal and vertical banding finished in darker, 'merlin' grey trim. Windows would be externally finished in white uPVC and rainwater good in black uPVC. Whilst it would be two-storeys in scale, it would be finished with a flat roof, thereby reducing its overall scale and massing.

**7.5** The site itself is rather enclosed due to the extent of the school grounds and that it would be seen in the context of existing school buildings which are greater in scale and size. The road of Duffryn Way would be the nearest public position to the proposed building and beyond this, the properties on Heron Way. The public footway serving Duffryn Way would be approximately 30m away from the proposed building and a band of mature trees and hedgerow separates the site and provide extensive screening from this public position.

7.6 Notwithstanding the above, it is acknowledged that the proposed building is only for a temporary three-year period (until April 2021) and having regard to the proposed development and the site context, it is considered that the proposed development would not have any significant adverse effect on the visual amenities of the area, thereby satisfying Policy GP6 of the NLDP.

7.7 Trees and Ecology/Biodiversity

A band of mature trees and hedgerow are located to the north, separating the site from Duffryn Way. These trees are not protected but they would provide extensive screening of the proposed building. The proposed building would be sited on existing hardstanding yard and there would be a degree of separation between the building and the trees. A tree survey and a plan for tree protection fencing has been submitted and the Head of Streetscene and City Services (Tree Officer) has no objections to the proposal subject to a condition for fencing to be in place during the construction of the building, to ensure that the trees are safeguarded.

7.8 The Council's Countryside Manager has considered the implications of the proposal upon ecology and biodiversity matters and has no comments to make on the proposal. Natural Resources Wales also has no objections to this aspect of the proposal. Having regard to the above, it is considered that the proposal satisfies Policies SP9 and GP5 of the NLDP.

7.9 Highways

The Head of Streetscene has acknowledged that the proposal does not intend to increase the population of the school and therefore conclude that the parking demand will not increase in accordance with the Newport City Council Parking Standards. As such, there are no objections to the proposal subject to a condition for a Construction Environmental Management Plan (CEMP) to be submitted to alleviate the impact of the construction phase of the development upon highway network and in the interests of safety. It is therefore considered that the proposal satisfies Policies GP4 and T4 of the NLDP.

7.10 Residential and General Amenity

The nearest residential properties to the proposed buildings would be those to the north of the site, at Heron Way. These properties would be over 50m away from the proposed building. Due to this separation distance and the presence of mature trees, hedgerow and public roads, it is considered that the proposed two-storey building, to be sited on a temporary basis of three years, would not have any significant adverse effect on residential amenity of neighbouring properties, particularly with regards to light, outlook, dominance and privacy. The Head of Law and Regulatory Services (Public Protection) has no objections to the proposal subject to a condition for a Construction Environmental Management Plan (CEMP) which will alleviate the impact of the construction phase of the development upon those in the locality. A further condition to control noise from any plan and machinery used to construct the building has also been recommended. Having regard to the above, it is considered that the proposal satisfies Policies SP2 and GP7 of the NLDP.

7.11 Archaeology

The site is outside of, but in close proximity to, an Archaeologically Sensitive Area. An archaeological Written Scheme of Investigation, which was submitted with the original planning application for Ysgol Gyfun Gwent Is Coed (16/0222), has also been submitted to accompany this latest application. This document has been considered by Glamorgan Gwent Archaeological Trust (GGAT) who has no objections to the proposal subject to a condition requiring the implementation of a programme of archaeological work. Whilst it is acknowledged that this proposal would involve the siting of a building on an existing hardstanding yard, the submitted plans indicate that foundations would be required, resulting in excavation work. As such, the condition recommended by GGAT is considered reasonable, thereby satisfying Policy CE6 of the NLDP.

7.12 Flooding

The site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN 15). NRW's flood map information, which is updated on a quarterly basis confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of

the River Ebbw and within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) tidal flood outlines.

- 7.13 TAN 15 sets out a precautionary framework and identifies that new development should be directed away from areas which are at high risk of flooding (defined as Zone C), and where development has to be considered in such areas, only those developments which can be justified on the basis of the tests outlined in the TAN are to be located in such areas. Policies SP1, GP1 and SP3 of the NLDP are also relevant to this section of the report.
- 7.14 Planning permission was issued on 19 May 2016 for the establishment of Ysgol Gyfun Gwent Is Coed. The school is under construction and is due to open in September 2018. This proposal involves the provision of a building to be used in conjunction with the school.
- 7.15 The Head of Education has provided a statement to support the proposal. This statement explains the rationale for the proposal. In this regard, a building condition survey has been undertaken of one of the school building blocks which appears to have been built in the 1950s. Currently, parts of the existing school block requires extensive refurbishment or possibly complete replacement. The school will be operational from September 2018 however this would only be possible if a temporary facility can be provided on the site to cater for the loss of floorspace within parts of the existing school building which is currently unusable. This would essentially involve retaining the dining hall and gymnasium facilities within the existing block but displace the food technology laboratory, a community room/library, male and female changing rooms, shower and toilet facilities and a small office into the proposed two-storey demountable building. In this context, the proposal could be considered as a betterment since it would provide modern and improved education facilities on the site.
- 7.16 The school site benefits from planning permission and based on the rationale for the proposed development, this new facility can only be provided within the grounds of the school and, as such, its location within Zone C is necessary.
- 7.17 Officers consider that the proposal comprises a regeneration initiative since it is a proposal associated with the delivery of education services and aims to meet the needs of the community and provide the best learning provision for the area. The establishment of the school itself formed part of the 21<sup>st</sup> Century Schools and Education Programme and subject to major, long term and strategic capital investment.
- 7.18 The development would occur within the grounds of a school and on a site that is within the urban boundary. Apart from flood and climate change considerations, it is considered that the proposal is consistent with Planning Policy Wales and constitutes previously developed land. The justification for the proposed development is therefore supported in principle.
- 7.19 With regards to the consequences of flooding, the application has been supported by a Flood Consequences Assessment (FCA). This FCA was used to support a previous planning permission on site, namely the original proposal for the establishment of Ysgol Gyfun Gwent Is Coed (16/0222).
- 7.20 The FCA has been considered by Natural Resources Wales (NRW) however they explain that the technical data used to inform the assessment is now outdated since NRW have recently undertaken a catchment-wide hydraulic model for the River Ebbw. This model is due to be included in NRW's next flood map and DAM update in October this year.
- 7.21 Based on the most recent model, NRW confirm that the site is flood free during the 1% (1 in 100 year) fluvial event without Climate Change Allowance (CCA) and flood free during the predicted 0.5% (1 in 200 year) tidal event without CCA.
- 7.22 As the proposal is temporary, NRW have advised that they have not assessed the consequences of flooding with an allowance for climate change. This is considered pragmatic since climate change evolves over many years whereas this proposal is only for the siting of a building for three years. NRW have no objections to the proposal and it is possible to ensure effective controls over the proposed building by imposing a condition

which requires its removal by 30 April 2021. This condition is considered necessary and justified in the interests of safety.

- 7.23 The site also lies within the 0.1% (1 in 1000 year) tidal flood outlines. Since the applicant has not used the most up to date data available (the updated River Ebbw catchment model), NRW are unable to provide further advice on this matter. Reference is however made to the FCA submitted for the establishment of Ysgol Gyfun Gwent Is Coed (16/0222) which indicated that the site would flood beyond the guideline values in Table A1.15 of TAN15. As such, the proposed development does not fully comply with the requirements of TAN15.
- 7.24 Whilst this is acknowledged, NRW do not object to the proposal given the temporary nature of the building. Furthermore, it must be emphasised that this building would be used in conjunction with a school which already benefits from planning permission and is due to open in September 2018.
- 7.25 The Head of Education has provided a statement to support the proposal and it is very clear that this scheme would result in an increase in the population/capacity of the school which is approximately 900 pupils. In this regard, when the school opens in September 2018, the number of pupils expected to attend the school is forecasted to be 259. The school would then gradually expand on an annual basis by introducing one year group per academic year. As an indication, the Education Achievement Service forecast that 495 pupils will be on site by January 2021. The total capacity of the school will therefore not be reached for a number of years because of this arrangement and forecast. As such, the proposed demountable building, which would be installed for only a temporary three-year period (until April 2021), would not increase the capacity of the school or place any additional persons at risk from flooding. It is understood from the statement of the Head of Education that the building will “provide facilities to allow full access to the curriculum while also providing changing and wash facilities for improved pupil wellbeing measures and complying with health and safety requirements”. The proposal therefore is considered to provide essential education facilities to enable Newport’s first Welsh Medium Secondary School to open in September 2018. These are significant material considerations in the determination of this application.
- 7.26 There are no specific flood mitigation measures proposed for the temporary building, however, it is understood that the site does form part of the wider ‘John Frost School & Ysgol Gyfun Gwent Is Coed - Flood Emergency Management Plan’. Whilst Planning Officers do not have the in-house expertise to judge the effectiveness of the emergency plan, this was the position when the original proposal for the school was granted planning permission.
- 7.27 Despite the proposal not fully satisfying the requirements of TAN15 and Policy SP3 of the NLDP, this proposal would not increase the capacity of a school which already benefits from planning permission or place any additional persons at risk from flooding. As such, it is considered that the proposal, on balance, is acceptable.
- 7.28 Drainage  
The school was granted planning permission with a detailed surface and foul water Drainage Strategy. This strategy identified that all existing surface water from existing buildings and hardstanding drain through a series of private sewer into the dry reën to the north east of the site. The strategy to support the school proposed all surface water from the new hardstanding to drain into the dry reën at a rate equivalent to the greenfield run off rate and this included water attenuation tanks and improved drainage works. Foul water drains through private sewers to a wet well at the north east of the site. Welsh Water had no objection to the original school proposal subject to conditions.
- 7.29 With regards to this latest proposal, the demountable building would be sited on an existing impermeable hardstanding yard. Surface water arising from the development would be collected by a series of rainwater goods and then channelled to discharge onto various parts of the yard.



7.30 Welsh Water has reviewed the submitted drainage strategy report, which also formed part of planning application 16/0222 for the school, and note that surface water from the hardstanding yard would be drained into the receiving, existing watercourses at a rate equivalent to the green field run-off rate. Therefore, surface water would be disposed of sustainably via a discharge to an existing watercourse. Foul water would be disposed of via the existing schools private foul network. Welsh Water has no objections to the proposal subject to advisory notes. It is therefore considered that the proposal satisfies Policies SP4 and GP3 of the NLDP.

## **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. The provision of essential education facilities to this Welsh Medium Comprehensive School which is due to open in September 2018 would contribute positively to the future wellbeing of the Welsh language, and the proposal therefore complies with TAN 20.

### **8.7 *Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 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. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have 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 This application seeks consent to install a two-storey demountable building in the grounds of Ysgol Gyfun Gwent Is Coed for a temporary period until April 2021. The proposed development would not have any significant adverse effect on visual amenity, residential amenity, highway safety, ecology/biodiversity, landscape and archaeology.

- 9.2 The site however is in Zone C1 flood zone and although the proposal is deemed to satisfy the justification test of TAN15, it fails to satisfy a number of other requirements of National Advice relating to flooding, and, as such, the proposal does not fully satisfy Policy SP3 of the NLDP and TAN15.
- 9.3 Notwithstanding the above, this proposal involves the provision of a building to be used in conjunction with a school which has the benefit of planning permission and is currently being implemented. The proposed building, which would be installed for only a temporary three-year period (until April 2021), would not increase the capacity of the school or place any additional persons at risk from flooding. Furthermore, the proposal is providing an essential facility to enable Newport's first Welsh Medium Secondary School to open in September 2018. These are significant material considerations in the determination of this application and, on balance, the proposal is considered acceptable.

## 10. RECOMMENDATION

### GRANTED WITH CONDITIONS

- 01 The development shall be implemented in accordance with the following plans:

XXXX – 01 Rev.A – Site Location  
XXXX – 03 – Proposed Site Plan  
XXXX – 04 – Existing unit to be relocated  
XXXX – 05 – Existing and Proposed Layouts  
XXXX – 07 Rev.A – Elevations, Sections & Foundations  
XXXX – 70 Tree Protection Plan  
15110-122 Rev.A – Proposed Drainage and Levels Layout (Sheet 2)

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

- 02 No development shall commence until a Construction Environmental Management Plan has been 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, including details of wheel wash facilities and contractor parking/compound. Measures to minimise the impact on air quality should include HGV routes avoiding Air Quality Management Areas and avoid vehicle idling. The approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

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

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

Reason: In the interests of amenities and highway/pedestrian safety.

- 03 No development, to include demolition and excavation works, shall commence until the Tree Protection fencing have been installed in accordance with drawing XXX – 70 – 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 Tree Protection Area. The fencing shall be retained in accordance with the Tree Protection Plan for the full duration of the development hereby approved.

Reason: To protect important landscape features within the site.

- 04 No development shall take place until the applicant, or their agents or successors in title, has secured implementation of a programme of archaeological work in accordance with that outlined in “Duffryn High School: Archaeological Excavation Written Scheme of Investigation” (GGAT Projects, June 2016, 2016-039).

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

- 05 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.

- 06 This permission shall be for a limited period expiring on 30<sup>th</sup> April 2021, when the building shall be removed, the use discontinued and the land restored to its former condition.

Reason: To retain effective control over the development hereby permitted and to limit the capacity of the school, in the interests of safety due to the site being located in an area of flood risk.

#### *NOTES TO APPLICANT*

01 This decision relates to the following plans and documents: XXXX – 01 Rev.A – Site Location; XXXX – 03 – Proposed Site Plan; XXXX – 04 – Existing unit to be relocated; XXXX – 05 – Existing and Proposed Layouts; XXXX – 07 Rev.A – Elevations, Sections & Foundations; XXXX – 70 – Tree Protection Plan; 15110-122 Rev.A – Proposed Drainage and Levels Layout (Sheet 2)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP4, SP9, GP1, GP2, GP3, GP4, GP5, GP6, GP7 and T4 were relevant to the determination of this application.

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

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

05 The applicant/developer is advised to contact Wales & West Utilities prior to the commencement of works since they have pipes in the area.

06 The applicant/developer is advised that the archaeological work, as required by Condition 05, must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/cifa](http://www.archaeologists.net/codes/cifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member.

## **APPLICATION DETAILS**

No: 18/0489 Ward: **TREDEGAR PARK**

Type: Full

Expiry Date: 30-AUG-2018

Applicant: **GARETH DRAPER, NEWPORT CITY COUNCIL CIVIC CENTRE, GODFREY ROAD, NEWPORT, NP20 4UR**

Site: **Ysgol Gyfun Gwent Is Coed, Duffryn Way, Duffryn, Newport**

Proposal: **TEMPORARY SITING OF A TWO STOREY DEMOUNTABLE CLASSROOM (AUGUST 2018 TO APRIL 2021)**

### **1. LATE REPRESENTATIONS**

1.1 The first sentence of Paragraph 7.25 should read:

*The Head of Education has provided a statement to support the proposal and it is very clear that this scheme would **not** result in an increase in the population/capacity of the school which is approximately 900 pupils.*

### **2. OFFICER RECOMMENDATION**

2.1 As per original report - Granted with Conditions



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# Report

## Planning Committee

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### Part 1

Date: 8<sup>th</sup> August 2018

Item No:

**Subject** **Appeal Decisions**

**Purpose** To inform Members of the outcome of recent appeals

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

**Wards** Pillgwenlly, Stow Hill

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

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

**Action by** Planning Committee

**Timetable** Not applicable

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

## **Background**

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

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

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

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

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

## **Financial Summary**

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

## **Risks**

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

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

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

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



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

\* Taking account of proposed mitigation measures

### Links to Council Policies and Priorities

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

### Options Available

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

### Preferred Option and Why

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

### Comments of Chief Financial Officer

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

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

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

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

### **Comments of Monitoring Officer**

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

### **Staffing Implications: Comments of Head of People and Business Change**

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

### **Local issues**

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

### **Equalities Impact Assessment and the Equalities Act 2010**

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

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

### **Children and Families (Wales) Measure**

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

### **Consultation**

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

### **Background Papers**

Not applicable

Dated: 8<sup>th</sup> August 2018

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**Planning Application Appeal**

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Reference	17/0766
Address	27 Clytha Sqaure, Newport, NP20 2EE
Development	RETENTION OF UPVC WINDOWS, DOOR AND RAINWATER GOODS TO FRONT ELEVATIONS
Appellant	R FALCONER
Delegated Decision	Refused
Committee Decision	
Appeal Decision	Allowed

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**Planning Application Appeal**

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Reference	17/0767
Address	28 Clytha Square, Newport, NP20 2EE
Development	RETENTION OF UPVC WINDOWS, DOOR AND RAINWATER GOODS TO FRONT ELEVATIONS
Appellant	R FALCONER
Delegated Decision	Refused
Committee Decision	
Appeal Decision	Allowed

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**Planning Application Appeal**

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Reference	17/0786
Address	9A Flat Venta House, Port Road, Maesglas Retail Park, Newport, NP20 2NS
Development	LAWFUL DEVELOPMENT CERTIFICATE (EXISTING) FOR AN EXISTING FIRST FLOOR FLAT
Appellant	MRS PETERSON, LYNDHURST SERVICES UK LIMITED
Delegated Decision	Refused
Committee Decision	
Appeal Decision	Dismissed

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**Planning Application Appeal**

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Reference	17/0351
Address	The Hall, Backhall Street, Caerleon, Newport, NP18 1AR
Development	PARTIAL DISCHARGE OF CONDITIONS 02 (MOULDING DETAIL), 03 (STRUCTURAL DETAILS) AND 04 (VENTILATION FLU) OF PLANNING PERMISSION 14/0577 FOR LISTED BUILDING CONSENT FOR TWO REPLACEMENT FIRE SURROUNDS, PROPOSED ALTERATIONS TO A REAR STONE WALL AND RETENTION OF INTERNAL ALTERATIONS TO THE KITCHEN CHIMNEY
Appellant	MR RICHARD STRATTON
Delegated Decision	Refused
Committee Decision	
Appeal Decision	Allowed

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**Planning Application Appeal**

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Reference	17/1162
Address	16 Cross Street, Caerleon, Newport, NP18 1AN
Development	PART COMPLETION/PART RETENTION OF

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2NO. DETACHED DWELLINGS

Appellant

Mr Michael Farkas

Delegated Decision

Refused

Committee Decision

Appeal Decision

Dismissed