

# Agenda



## Planning Committee

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Date: Wednesday, 7 November 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, D Fouweather, C Jenkins, J Jordan, C Townsend and R White

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**Copies of the Planning Code of Practice will be available at the meeting.**

### **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 3 October 2018</u> (Pages 5 - 10)	
5. <u>Development Management: Planning Application Schedule</u> (Pages 11 - 70)	
6. <u>Appeal Decisions</u> (Pages 71 - 76)	

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Date of Issue: Wednesday, 31 October 2018





# Agenda

## Pwyllgor Cynllunio

Dyddiad: Dydd Mercher, 7 Tachwedd 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, Fouweather, Jenkins, Jordan, 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

E-bost: [michele.chesterman@newport.gov.uk](mailto:michele.chesterman@newport.gov.uk)

Dyddiad Cyhoeddi: 1 Tachwedd 2018

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# Minutes

## Planning Committee

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Date: 3 October 2018

Time: 10.00 am

Present: Councillors J Guy (Deputy Chair), G Berry, J Clarke, D Fouweather, J Jordan, C Townsend, R White.

In Attendance: Joanne Evans (Senior Solicitor), Tracey Brooks (Development and Regeneration Manager), Stephen John Williams (West Area Planning Manager), Geraint Roberts (Principal Planning Officer), Lindsay Christian (Senior Planning Officer Policy), Joanne Davidson (East Area Development Manager), Carl Jones (Principal Engineer), Alun Lowe (Planning Contributions Manager), Sally Davies (Strategy and Development Manager), Michele Chesterman (Governance Officer)

Apologies: Councillors J Richards, Al Nuaimi, Dudley

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1. **Declarations of Interest**

None

2. **Minutes of the meeting held on 5 September 2108**

The minutes of the meeting held on 5 September 2018 were submitted.

**Resolved**

That the minutes of the meeting held on 5 September 2108 be taken as read and confirmed.

3. **Development Management: Planning Application Schedule**

**Resolved**

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

- (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.

#### 4. **Appeal Decisions**

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

**Reference:** 18/0160 **Planning Application Appeal**

**Address:** 33 Bedford Road, Newport NP19 0BW

**Development:** Proposed ground floor side extension and first floor rear extension - **Dismissed.**

**Reference:** 17/0799 **Planning Application Appeal**

**Address:** Hart Farm, Picked Lane, Nash, Newport, NP18 2BU

**Development:** Proposed detached garage together with new access drive – **Dismissed**

**Reference:** 18/0276 **Planning Application Appeal**

**Address:** 526 Caerleon Road, Newport NP19 7LZ

**Development:** Retention of Vehicular access - **Dismissed**

**Reference:** 17/1034 **Planning Application Appeal**

**Address:** Barn adjacent to Wellsworth, Bishton Road, Bishton, Newport NP18 2DZ

**Development:** Erection of open fronted timber frame building for use as storage for garden equipment, animal feed and agricultural implements with some facilities for keeping a small number of sheep - **Dismissed.**

**Reference:** 18/0001 **Planning Application Appeal**

**Address:** Car Park Ye Olde Oak Stave, Ruskin Avenue, Rogerstone, Newport

**Development:** Construction of 3No Dwellings and Associated Works – **Dismissed**

**Reference:** 16/0641 **Planning Application Appeal**

**Address:** Land South East of Rhubina Farm, St Mellons Road, Marshfield, Cardiff

**Dismissed**

**Reference** 18/0213 **Planning Application Appeal**

**Address:** 34 Fields Park Road, Newport NP20 5BB

**Address:** Side Extension over Garage and New Dormer

**Appendix A**

**PLANNING COMMITTEE – 3 OCTOBER 2018**

**DECISION SCHEDULE**

No	Site/Proposal	Ward	Additional Comments	Decision
18/0472	<p>Unit 10, Road B, Wern Industrial Estate, Newport NP10 9FQ</p> <p>Change of use to a Mixed Use Café (A3) and Childrens Play Area (D2) Installation of External Access Ramp and Steps with Associated Railings, Installation of New Floor and Glazing and Alterations to the External Appearance of the Building.</p>	Rogerstone	<p>Cllr Y Forsey, Ward Member, spoke on the application</p> <p>Planning Officers noted there was no street lighting, no dedicated footpaths. The route was quite narrow, with a number of openings and heavy goods vehicles and forklifts using the openings. Highway officers objected. The Planning Officers were recommending Planning Permission be refused.</p>	Refused
17/0781	<p>University of Wales College Newport, College Crescent, Caerleon, Newport NP18 3NS</p> <p>Hybrid application seeking full permission for partial demolition, refurbishment and conversion of main building to 42 No flats, conversion of TJ Webly Building to 2 No dwellings, conversion of Ty Hywel Building to 2No dwellings (1No flat and 1No House), conversion of Felthorpe House to 1No dwelling, and expanded use of Kegie Building to include B1A (Office); and outline permission for demolition of other existing buildings and construction of up to</p>	Caerleon	<p>Members were made aware of late representations previously circulated.</p> <p>Public Speaker – Mr H Bird, Objector Public Speaker – Mr H Williams, on behalf of applicant</p> <p>Ward Members, Cllrs Gail Giles, Jason Hughes and Joan Watkins spoke on the application.</p> <p>Officers were recommending application be refused as the application would have a significant adverse effect on free flow of traffic, residential amenity and human health from increase in traffic generation, lack of highway capacity at Station Road and New Road/High Street/Caerleon Road, an adverse effect on air quality.</p> <p>Following this decision, committee adjourned for a 5 minute comfort</p>	Refused

No	Site/Proposal	Ward	Additional Comments	Decision
	263 No Dwellings, 2,400 SQM of flexible B1A/D1 Non Residential Institution Floorspace (Kegie Building Phas II, Changing Room Facility, Alterations of Accesses off Lodge Road and College Crescent, Retention of Existing Rugby Pitch and College Road Gate Piers, and Proposed Open Space, Landscaping, Engineering and Infrastructure Works with Access to be Considered and all other Matters Reserved.		break	
18/0293	Land to the South of Glan Usk Primary School, Herbert Road, Newport  Development of 195No Residential Units, Internal Road Networks, Parking, Landscaping and Associated Works Affecting public Right of Way 407/1	St Julians	Members were made aware of late representations previously circulated.  Cllr Phil Hourahine, Ward Member, spoke on the application.  Traffic and access on existing roads was recognised as a problem but the extant planning permission was also acknowledged. Members asked about electric charging points and requested a condition be imposed.	Granted with Conditions  <u>Additional Condition</u>  Requirement for Installation of Electric Vehicle Charging Points
18/0702	Maesglas Community Centre, Bideford Road, Newport NP20 3XT  Installation of 400MM Angled Mesh Panel fixed to existing timber fence	Gaer	The application was being referred to Committee as it was Council owned land.	Granted with Conditions



No	Site/Proposal	Ward	Additional Comments	Decision
18/0735	<p>Units 4-5 Duffryn Shopping Centre, Tredegar House Drive, Newport NP10 8TE</p> <p>Change of use from A1 to SUI Generis (Dog Grooming Salon)</p>	Marshfield	<p>Members noted that the re-use of an empty unit would support existing commercial businesses in the area. A discussion took place on the disposal of dog waste as a result of the change of use to a Dog Grooming Salon. Planning Officers suggested an additional condition could be added to ensure sufficient measures were put in place for the disposal of dog waste, this was accepted by Members.</p>	<p>Authorise the Head of Regeneration, Investment and Housing to grant planning permission subject to conditions, subject to No adverse representations being received by 6 October 2018</p> <p><u>Additional Condition</u></p> <p>Provision of facilities for the disposal of dog waste.</p>
18/0823	<p>Gaer Infant School, Melfort Road, Newport NP20 3FP</p> <p>Installation of Canopy</p>	Gaer	<p>The application was being referred to Committee as it was Council owned land.</p>	<p>Granted with Conditions</p>

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# Report

## Planning Committee

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### Part 1

Date: 7 November 2018

**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, well-being of future generations, 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.

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 and Regeneration Manager and Senior Legal Officer
			Ensure appeal timetables are adhered to.	Development and Regeneration Manager
Appeal lodged against non-determination, with costs awarded against the Council	M	L	Avoid delaying the determination of applications unreasonably.	Planning Committee  Development and Regeneration Manager
Judicial review successful with costs awarded against the Council	H	L	Ensure sound and rational decisions are made.	Planning Committee  Development and Regeneration Manager

\* Taking account of proposed mitigation measures

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

The Council's Corporate Plan 2017-2022 identifies four themes, including the aim to be a Thriving City. In order to achieve this, the Council is committed to improving:

- jobs and the economy
- education and skills
- fairness and equality
- community safety and cohesion
- the environment, transport, culture and social well-being

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 contains the Council's Well-being Statement and well-being objectives, which contribute to the achievement of the national well-being goals. The Corporate Plan also links to other strategies and plans, the main ones being:

- Improvement Plan 2016-2018;
- Local Development Plan 2011-2026 (Adopted January 2015);

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 and considered**

- 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.

### **Comments of Head of People and Business Change**

Within each report the sustainable development principle (long term, prevention, integration collaboration and involvement) of the Well-being of Future Generations (Wales) Act has been fully considered.

From an HR perspective there are no staffing issues to consider.

### **Comments of Cabinet Member**

The Cabinet Member for Regeneration and Housing has been made aware of the report.

## 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

## Scrutiny Committees

None

## 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.

## Children and Families (Wales) Measure

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

## Wellbeing of Future Generations (Wales) Act 2015

The Well-being and Future Generations (Wales) Act seeks to improve the social, economic environmental and cultural well-being of Wales. Public bodies should ensure that decisions take into account the impact they could have on people living in Wales, in the future. The 5 main considerations are:

- Long term: Decisions made by the Planning Committee balances the need to improve the appearance of areas as well as meeting the needs of residents in order to make places safe to live in and encourage investment and employment opportunities. Planning decisions aim to build sustainable and cohesive communities.
- Prevention: Sound planning decisions remove the opportunity for anti-social behaviour and encourages a greater sense of pride in the local area, thereby giving the City potential to grow and become more sustainable.
- Integration: Through consultation with residents and statutory consultees, there is an opportunity to contribute views and opinions on how communities grow and develop, thereby promoting greater community involvement and integration. Planning decisions aim to build integrated and cohesive communities.
- Collaboration: Consultation with statutory consultees encourages decisions to be made which align with other relevant well-being objectives.
- Involvement: Planning applications are subject to consultation and is regulated by legislation. Consultation is targeted at residents and businesses directly affected by a development, ward members and technical consultees. Engagement with the



planning process is encouraged in order to ensure that the views of key stakeholders are taken into consideration.

Decisions made are in line with the Council's well-being objectives published in March 2017. Specifically, 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.

## **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. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the consultation of these guidance documents.

## **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

#### *PPW Technical Advice Notes (TAN):*

- TAN 1: Joint Housing Land Availability Studies (2015)
- TAN 2: Planning and Affordable Housing (2006)
- TAN 3: Simplified Planning Zones (1996)
- TAN 4: Retailing and Commercial Development (2016)
- TAN 5: Nature Conservation and Planning (2009)
- TAN 6: Planning for Sustainable Rural Communities (2010)
- TAN 7: Outdoor Advertisement Control (1996)
- TAN 8: Renewable Energy (2005)
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 13: Tourism (1997)
- TAN 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (2007)
- TAN 19: Telecommunications (2002)
- TAN 20: Planning and The Welsh Language (2017)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)
- TAN 24: The Historic Environment (2017)

Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)  
Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)

Welsh Government Circular 016/2014 on planning conditions

## **LOCAL POLICY**

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

#### Supplementary Planning Guidance (SPG):

- Affordable Housing (adopted August 2015)
- Archaeology & Archaeologically Sensitive Areas (adopted August 2015)
- Flat Conversions (adopted August 2015)
- House Extensions and Domestic Outbuildings (adopted August 2015)

Houses in Multiple Occupation (HMOs) (adopted August 2015) (updated January 2017)  
New dwellings (adopted August 2015)  
Parking Standards (adopted August 2015)  
Planning Obligations (adopted August 2015)  
Security Measures for Shop Fronts and Commercial Premises (adopted August 2015)  
Wildlife and Development (adopted August 2015)  
Mineral Safeguarding (adopted January 2017)  
Outdoor Play Space (adopted January 2017)  
Trees, Woodland, Hedgerows and Development Sites (adopted January 2017)  
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:** 18/0507      **Ward:** ALLT-YR-YN

**Type:** OUTLINE (MAJOR)

**Expiry Date:** 05-OCT-2018 (EXTENDED)

**Applicant:** NIGEL PHILLIPS, NEWPORT CC & RESIDENTIAL LANDS LTD.

**Site:** QUEENS HILL EDUCATION CENTRE, QUEENS HILL, NEWPORT, NP20 5XN

**Proposal:** **HYBRID APPLICATION: OUTLINE PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING BUILDING AND ERECTION OF UP TO 96NO. DWELLINGS (INCLUDING 14NO. AFFORDABLE DWELLINGS) AND ANCILLARY DEVELOPMENT, WITH ALL MATTERS RESERVED APART FROM THE PRINCIPLE OF MEANS OF ACCESS; AND FULL PLANNING PERMISSION FOR THE PARTIAL DEMOLITION AND MAKING GOOD OF 1 & 2 FIELDS ROAD AND CHANGE OF USE OF THE REMAINING PART TO A SINGLE DWELLING**

**Recommendation:** **Granted with conditions**

**1. INTRODUCTION**

- 1.1 The site comprises the grounds of the former Newport High School which closed a number of years ago and has since been demolished.
- 1.2 The site, which has an area of 3.5 hectares, borders existing housing development to the north, south and west. St Mary's Primary School is outside the application site but located in a central position to the eastern side of the proposed development. There is an open frontage between Nos. 9 and 11 Queens Hill. A children's day nursery and a 100 seat Panto Hall is located at the junction of Queens Hill and Queens Hill Crescent. Shire Hall / County Chambers / Queens Chambers buildings are located to the south east, which have been converted into flats.
- 1.3 The application is seeking to develop the site for residential development. The application has been submitted jointly by Newport City Council and Residual Lands Ltd. Residual Lands is a company responsible for managing land on behalf of the successors in title to the former Lord Tredegar.

**2. RELEVANT SITE HISTORY**

**14/0386** RESIDENTIAL DEVELOPMENT OF UP TO 92 DWELLINGS, FORMATION OF NEW ACCESS, OPEN SPACE, LANDSCAPING, PARKING FOR EXISTING RESIDENTS AND FACILITIES FOR ST MARYS ROMAN CATHOLIC PRIMARY SCHOOL (OUTLINE WITH ACCESS SUBMITTED FOR CONSIDERATION) TOGETHER WITH DEMOLITION OF EXISTING SCHOOL BUILDINGS

**Granted with conditons 3 December 2014**

**17/1028** VARIATION OF STANDARD CONDITION B TO EXTEND TIME PERIOD FOR SUBMISSION OF RESERVED MATTER IN RESPECT OF PLANNING PERMISSION 14/0386 FOR RESIDENTIAL DEVELOPMENT OF UP TO 92 DWELLINGS, FORMATION OF NEW ACCESS, OPEN SPACE, LANDSCAPING, PARKING FOR EXISTING RESIDENTS AND FACILITIES FOR ST MARYS ROMAN CATHOLIC PRIMARY SCHOOL (OUTLINE WITH ACCESS SUBMITTED FOR CONSIDERATION) TOGETHER WITH DEMOLITION OF EXISTING SCHOOL BUILDINGS

**Granted with conditions 7 February 2018**

**18/0531 DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF NEW CANTEEN BUILDING, 2NO. ADDITIONAL PLAY AREAS, PICK UP AND DROP OFF AREA AND IMPROVED VEHICULAR ACCESS VIA QUEENS HILL AND ASSOCIATED WORKS AT ST MARYS RC JUNIOR AND INFANT SCHOOL, QUEENS HILL, NEWPORT.**

**Reported to this Planning Committee and recommended for approval**

**3. POLICY CONTEXT**

The adopted Newport Local Development Plan 2011-2026 (NLDP) has relevant policies:

Policy <b>SP1 Sustainability</b> favours proposals which make a positive contribution to sustainable development.
Policy <b>SP4 Water Resources</b> favours developments that minimises water consumption, incorporates SUDs and generally manages water resources and drainage effectively.
Policy <b>SP10 Housing Building Requirements</b> states that provision is made for 11,623 units within the plan period in order to deliver a requirement of 10,350 units. The plan seeks to deliver 2,061 affordable units.
Policy <b>SP13 Planning Obligations</b> states that 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 its location.
Policy <b>SP18 Urban Regeneration</b> supports development which assists the regeneration of the urban area, particularly the city centre and the reuse of vacant, underused or derelict land.
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>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>H1 Housing Sites</b> lists the sites identified for residential development. The site known as Former Queens Hill School is listed under H62.
Policy <b>H2 Housing Standards</b> promotes high quality design taking into consideration the whole life of the dwelling.
Policy <b>H3 Housing Mix and Density</b> seeks a density of at least 30 dwellings per hectare on sites of 10 dwellings or more.
Policy <b>H4 Affordable Housing</b> requires on-site provision on all new housing sites of 10 or more dwellings within the settlement boundary. The submarket area target for the application site is 30% Rogerstone and West Newport.
Policy <b>T4 Parking</b> states that development will be expected to provide appropriate levels of parking.
Policy <b>W3 Provision for Waste Management Facilities in Development</b> states that where appropriate, facilities for waste management will be sought on all new development.

#### 4. CONSULTATIONS

- 4.1 SOUTH WALES FIRE AND RESCUE SERVICE: the developer should consider the need for the provision of adequate water supplies on the site for fire fighting purposes and access for emergency fire fighting appliances.
- 4.2 DWR CYMRU WELSH WATER: requested a drainage scheme to deal with surface and foul water.
- 4.3 HEDDLU GWENT/GWENT POLICE: I have no objections to the application at Queens Hill Education Centre. I would recommend that the developer bear in mind the principles of Secured by Design to ensure the safety and security of the development.

#### 5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREET SCENE (HIGHWAYS): has made the following comments:
- 5.1.1 A Transport Statement has been submitted for the proposed residential development. I note that manual classified counts were carried out on Thursday 16<sup>th</sup> November 2017. Confirmation is required that the school was open on this day and that there were not any significant factors which may have affected the counts.
- 5.1.2 The PICADY modelling of the proposed new junction onto Fields Road indicates that there will be no capacity concerns with a maximum ratio to flow of 0.09 and 0.05 during the AM and PM peak respectively.
- 5.1.3 In regard to the overall impact of the development on the wider area, the transport statement indicates that there will be between a 1.1% and 3.8% for the AM peak and 1.3% and 4.8% in the PM peak. In view of this, and taking into account typical daily fluctuations in traffic I'm satisfied the overall traffic generation from the proposed development will have a negligible impact on the highway network. That being said, the proposal will result in an increase in vehicle trips on the highway network and specifically the junction of Queens Hill/Fields Road where visibility is restricted. As part of the previous application it was agreed that a junction improvement was to be provided which would consist of the provision of a build out. The build out will improve visibility to the right when exiting from

Queens Hill and will physically prevent illegal parking up to the junction. Given the resultant traffic increase, the junction improvement is justified and should be provided as part of the current application and secured via a S.106 agreement.

5.1.4 Fields Road offers no formal crossing point however with the provision of the proposed junction onto Fields Road there will be an increase in pedestrian movements. A formalised crossing point should be provided along Fields Road to facilitate pedestrian movements.

5.1.5 The Council is also seeking an obligation on the developer to fund the cost of providing an intermittent 20mph speed limit along Queens Hill adjacent to the school, this is consistent with the Council's Policy to provide 20mph zones adjacent to schools and a contribution of £20K is sought to provide this. A contribution is also required to upgrade the existing "Zebra" crossing on Queens Hill to a signalised "Puffin" crossing the cost of which is to be confirmed.

5.1.6 There is a high demand for on street parking in this area with incidents of illegal parking taking place. Suitable parking controls will therefore need to be put in place to protect the proposed access road in order to allow for the free movement of traffic at the junction.

#### 5.1.7 **Swept Path analysis (SPA)**

The SPA must include a large car in order to demonstrate that both a refuse vehicle and car can navigate the proposed access without conflict.

I'm satisfied that with the provision of buildouts visibility will be achievable in accordance with Manual for Streets. I note however that there is an existing access which is located directly adjacent to the proposed access. The proposed buildout will prevent access and the proximity of the access is also considered detrimental to highway safety due to potential conflict. This access must therefore be closed in order to form the proposed access onto Fields Road.

#### 5.1.8 **Proposed layout/masterplan**

It's noted that the application is for outline approval and therefore the detailed design of the residential development will form part of a future reserved matter application. The applicant must however note the following comments/requirements as part of any future application:

- Parking must be provided in accordance with the Newport City Council Parking Standards. This includes the provision of visitor spaces. Provision of visitor spaces on street are acceptable however it must be demonstrated where these spaces can be accommodated.
- I acknowledge that pedestrian footpath links will be provided/retained onto Queens Hill and St Marks Crescent. This will improve the permeability of the site and help to encourage multi modal forms of travel. There is potential however for these types of areas to be subject to anti-social behaviour and therefore careful consideration will need to be given to the design.
- The estate road must be designed to the Council's adoptable standards and should incorporate the methodology of Manual for Streets 1 and 2.
- It must be demonstrated that a refuse vehicle and large car can navigate the site without conflict.
- Visibility splays must be provided in accordance with Manual for Streets. This includes the provision of pedestrian visibility splays.
- The scheme should be designed to 20mph speeds and suitable traffic calming measures employed where necessary.

#### 5.1.9 **S.106 Contributions**

- 20k contribution towards the provision of an intermittent 20mph speed limit and associated works on Queens Hill
- Upgrade of zebra crossing on Queens Hill to signal controlled puffin type
- Provision of a formalised crossing point on Fields Road.

#### 5.1.10 **Conditions**

- The existing access onto Queens Hill must be stopped up/removed prior to construction works commencing.

- Stopping up/removal of existing access onto Fields Road (adjacent to Shire Hall) prior to construction works commencing.
- Submission of a CEMP which requires the submission of the following details:
- Contractor Parking
- Contractor Compound
- Wheel Wash facilities
- Dust Suppression
- Traffic Management – this must include a restriction on deliveries/construction vehicles during the times associated with the drop of and collection of pupils at the local school.

The requirement for parking controls can be linked to the formation of the new access onto Fields Road and the new access road into the development. The works to form the access will require a S.278/111 agreement and no works can take place until the agreement is in place and final approval has been given by the highways authority. Should the developer wish to offer the site for adoption, a S.38 agreement would be required. Even without a S.38 agreement, a traffic road order (TRO) would be required before considering the site for adoption. The provision of TRO's can be secured via these routes and will allow us to base the cost on definitive schemes and to secure the funding at the appropriate time during development.

There is a high demand for on street parking in this area with incidents of illegal parking taking place. Suitable parking controls will therefore need to be put in place to protect both the proposed access onto Fields Road, and the access road into the development, in the interest of highway safety and the free flow of traffic. The cost of any traffic regulation orders must be met by the developer and must form part of any S.278/111 agreement or any future S.38 submission.

## 5.2 HEAD OF REGENERATION AND REGULATORY SERVICES (Planning Policy Manager):

### 5.2.1 The following designations apply to the application site:

- The site is within the urban boundary.
- The site is allocated for 92 residential units under H1 housing commitment H1 (62) – Former Queens Hill School.

### 5.2.2 The following policies of the adopted Local Development Plan 2011-2026 are considered to be of particular relevance to the consideration of this application:

- SP1 – Sustainability
- SP2 – Health
- SP10 – House Building Requirement
- SP13 – Planning Obligations
- SP18 – Urban Regeneration
- GP2 – General Amenity
- GP3 – Service Infrastructure
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- H1(62) – Former Queens Hill School
- H2 – Housing Standards
- H3 – Housing Mix and Density
- H4 – Affordable Housing
- T4 – Parking
- W3 – Provision for Waste Management Facilities in Development.

### 5.2.3 The following supplementary planning guidance notes are relevant:

- Planning Obligations SPG
- Affordable Housing SPG
- Wildlife & Development SPG
- Parking Standards SPG

- Outdoor Play Space SPG

- 5.2.4 The application site is allocated within the LDP as a housing commitment and has previously been granted permission under application 14/0386 and an extension of time under application 17/1028. The principle of residential development on this site is therefore well established and in accordance with housing allocation H1 (62).
- 5.2.5 The site's redevelopment will contribute to the overall housing requirement set out in Policy SP10 – House Building Requirement and the regeneration objectives set out in SP18 – Urban Regeneration. Whilst the overall principle of residential use of the site is acceptable and considered to be compatible with the locality, the views of Highways should be sought to establish the acceptability of the proposed access arrangements and traffic movements associated with the development in accordance with Policies GP4 – Highways and Accessibility and T4 – Parking. The views of other relevant consultees should also be sought to ensure the proposal satisfies the appropriate policies of the LDP, including any nature conservation mitigation measures required.
- 5.2.6 The views of the Planning Contributions Manager should be sought to establish the planning obligations triggered by the development.
- 5.2.7 The proposal is in accordance with housing allocation H1 (62) – Former Queens Hill School, however, the views of the relevant consultees should be sought to ensure the proposal satisfies other relevant policies of the LDP.
- 5.3 HEAD OF LAW AND REGULATION (PUBLIC PROTECTION MANAGER):
- 5.3.1 A noise assessment is required to demonstrate that the site is suitable for residential development. If the noise assessment indicates that noise from the development will impact residents then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the local planning authority. The noise assessment report will need to consider:
- Nearby external noise sources e.g. plant equipment including any new plant equipment to be installed as part of planning application 18/0531 (Canteen fume extraction unit)
  - Adjacent school
  - Road Traffic
- 5.3.2 The noise assessment must demonstrate that internal sounds levels, within habitable rooms of all proposed dwellings, can be achieved in line with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings', and BS4142: 2014 'Method for rating industrial and commercial sound'. An appropriately qualified acoustic consultant shall prepare the noise assessment.
- 5.3.3 Prior to the commencement of development, to include demolition, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
- 5.3.4 The previous planning application was granted conditional of a contaminated land site investigation and risk assessment (condition 12 & 29 ref: 14/0386). It is recommended the same condition is implemented on this application to ensure the risk from contaminated land is sufficiently assessed and mitigated.
- 5.3.5 Prior to import to site, soil material or aggregate used as clean fill or capping material shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported onto the site. Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.



- 5.3.6 Advisory - To encourage modal shift to active travel (cycling and walking) in an effort to reduce air pollution and carbon emissions, it would be advantageous to have a clear pedestrian route to from the development to the train station. It would seem prudent to install a pedestrian crossing (zebra or pelican) on Fields Park Road to allow easy pedestrian access to the city centre and the train station. I am not a traffic engineer so I am unable to provide a judgement if this would be possible in practice.
- 5.3.7 Advisory – To encourage the uptake of electric vehicles in an effort to reduce air pollution and carbon emissions it is recommended that all residential units are installed with electric vehicle charging points, or at least the cabling to allow for a charging point to be installed in the future.
- 5.4 HEAD OF STREET SCENE (WASTE): if the cul de sacs are going to be private/shared drives, residents would have to move receptacles on collection day down to the highway. Houses can have recycling boxes which will need to be placed out at the kerbside. In relation to the 2 blocks of flats, there is no information relating to bin stores but we will need to consider communal recycling requirements for those blocks.
- 5.5 HEAD OF STREET SCENE (TREE OFFICER): The above and below ground constraints should be fully considered and evaluated, which should then inform a proposed housing layout. This does not appear to have been the case. Tree information should be submitted relating to the root protection area, current and ultimate height and spread of the tree, tree species, foliage density, aphid exudate, branch drop, effect of shading from trees and potential storm damage, working and access space needs consideration.
- 5.5.1 The access roads are too tight in terms of proximity to the other trees and are shown at the edge of the RPAs with no consideration given to the above ground constraints.
- 5.5.2 The mixed hedge bordering the residential properties of Queens Hill Crescent should have a RPA shown – this is not shown in the submitted tree information.
- 5.5.3 The hedging should also be retained and be outside the curtilage of the proposed properties.
- 5.5.4 The access proposed to be created at 1 and 2 Fields Road would result in the loss of mature trees that are prominent within the street scene and the weeping birch tree is a good ornamental tree. All trees have a financial value as well as an amenity value and all three trees would merit a Tree Preservation Order. It will never be possible to fully compensate for their loss. A reasonable compromise would be for 5 semi mature replacement trees to be planted on the development site and so the following condition is suggested:
- Prior to the felling of the T50 (Beech) T47 ( Birch) and T48 (Weeping Birch) at 1 &2 Fields Road and as shown on the Tree Survey submitted by Mackley Davies Associates 5 October 2017, full details of 5 replacement trees shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the position, species and size of the replacement trees which are to be a minimum size of 20/25cm girth at 1m above ground level. The replacement trees as approved shall be planted within the first full planting season (October to April) following the felling of the existing trees. The replacement trees shall be planted on areas of public open space and not within the confines of a domestic garden.*
- Reason: To secure appropriate replacement planting in the interests of the visual amenities of the area.*
- 5.6 HEAD OF REGENERATION AND INVESTMENT (CONSERVATION OFFICER):
- 5.6.1 The site is in close proximity to a listed building; Shire Hall (including the attached Queen's Chambers) which is listed at grade II as *"an impressively designed Edwardian civic building, which has retained its original character, including fine interior detail."*
- 5.6.2 The proposed new development would only be seen in relation to the informal rear elevations of the listed building, and as such I have no objection in principle. Given the

proximity to the listed building and the elevated nature of the site, I consider it important that the elevational treatment, landscaping and boundary treatment of the houses to the south-eastern part of the site is given careful consideration. In particular the nearest building to the boundary is noted to be made up of six flats. Due to the elevated nature of the site there is a concern over the potential height of the structure, to avoid a detrimental impact on the listed building it would be advisable to keep the building set well back from the boundary and kept at a reasonable height (~two storeys). The majority of the rear windows of the listed building are either below the proposed site level or are obscured. The Council chamber is an exception and the conversion of the room will see the introduction of a mezzanine floor bringing living space to the eye level of the site. The boundary treatment, ideally soft in nature, is particularly important here to allow the impact to be reduced; obscured glazing here would have a possible detrimental impact on the listed building.

- 5.6.3 The proposed new access road is set behind a large stone wall which reduces its impact on the listed building. It is important that the proposed works to the access road to Pentonville/Fields Road preserve the formal character of this gated entrance to the site.
- 5.6.4 However, I see no reason why the consideration of the above cannot be deferred to detailed design stage, and as such I have no objection to the positive determination of this application.
- 5.7 HEAD OF REGENERATION AND INVESTMENT (HOUSING): in support of the affordable housing provision planned for the site which addresses the prevailing housing need, it will be managed by a Newport City Homes and allocated through the Common Housing Register. One aspect of the site is for apartments for over 55's and pedestrian access to the community centre on Locke Street opposite is required, I don't currently see this in the detail and the applicant is aware this needs to be addressed.
- 5.8 HEAD OF REGENERATION AND INVESTMENT (SECTION 106 OFFICER): this outline application 'indicatively' proposes up to 97 dwellings, comprising:
- a. 83 'market housing' dwellings, indicatively comprising 5 x 2 bed houses, 53 x 3 bed houses, 24 x 4 bed houses and 1 x 4+ bed houses;
  - b. 14 'affordable housing' dwellings (equating to 14.4% of the development), indicatively comprising 6 x one bed apartments, 4 x 2 bed apartments and 4 x 2 bed houses

**Please Note:**

- The application is a joint venture project between Newport Council and Residual Lands;
- Council policy (specified in the adopted Planning Obligations SPG) stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations;
- The overall planning obligation package reflects the following issues:
  1. Provision of facilities for St Mary's Primary School (estimated cost of £600,000) i.e. demolition of buildings, grassed play area, drop-off zone, new canteen and additional staff parking;
  2. Estimated 'lost' development land value of £1,680,000 for 'gifting' of land (2.1 acres) for above school facilities;
  3. The cost of not providing an additional 15.6% affordable housing (in order to achieve a policy compliant 30% provision) equates to £1,179,169;
  4. Taking into account the above three points, and notwithstanding any S106 planning obligations, this represents **Page 26** of infrastructure provision worth £1,100,831;

5. The Council will receive 50% of the net proceeds of sale from the whole site and an apportionment of that 50% will be made between the Education Trust land and the Council owned land;
6. Under the Charities Act 1993, any proceeds from the land owned by Newport Education Trust (4.033 acres) is 'ring fenced' for John Frost High School and Newport High School. This is estimated to be worth £3,226,400. The interest from this sum can be used for "providing and assisting in the provision of goods, services and facilities or other benefits for the pupils, not required to be provided by the LEA, for education at the schools".

In order to mitigate the impact of development, the following S106 planning obligations are required.

### **Leisure**

Please note: one bed apartments are exempt from provision towards children's play areas.

There is a surplus of Informal Play provision in the Allt-Yr Yn ward. As such, no commuted sum is required for Informal Play. However, there is a deficit of Equipped and Formal Play provision within the Allt-Yr-Yn ward. The scale of Equipped Play (to be provided on site and to include a LAP and a LEAP) and Formal Play (to be provided off site) will accord with the following formula (as specified in the Outdoor Play Space Provision SPG 2017):

- Equipped Play = 0.25 hectares per 1000 population
- Formal Play = 1.6 hectares per 1000 population.

As specified in the Outdoor Play Space Provision SPG 2017, the associated maintenance sum will be based upon the following formula (or alternatively, the on-site open space could be maintained by a Private Management Company):

- Number of one bed 'open market' apartments (at date of validation of the associated Reserved Matters application) x £1,821;
- Number of two bed 'open market' apartments (at date of validation of the associated Reserved Matters application) x £3,816;
- Number of three bed 'open market' apartments (at date of validation of the associated Reserved Matters application) x £4,770;
- Number of one bed 'open market' houses (at date of validation of the associated Reserved Matters application) x £1,821;
- Number of two bed 'open market' houses (at date of validation of the associated Reserved Matters application) x £3,816;
- Number of three bed 'open market' houses (at date of validation of the associated Reserved Matters application) x £5,724;
- Number of four plus bed 'open market' houses (at date of validation of the associated Reserved Matters application) x £7,632

The Formal Pay element of the commuted sum will be allocated to maintain and / or upgrade off site play at Sorrell Drive play area and/or Allt-Yr-Yn Heights play area.

All Leisure Sums will be index linked to the Retail Price Index. Payments will be staggered and related to occupancy rates (to be agreed).

### **Education**

'School Capacity' is calculated taking account of current school capacities, demand generated by extant permissions and/or Joint Housing Land Availability supply, as well as future pupil number projections over the lifetime of the related planning permission.

The development is served by John Frost High School (estimated surplus capacity of 11 pupil places). The development generates 22 secondary pupils, resulting in a net requirement for 11 pupils. This generates an indicative commuted sum of £201,176. The development is also served by St Woolos Primary School, Crindau Primary School and Clytha Primary School (overall surplus capacity of 18 pupils). The development generates 27 primary pupils, resulting in a net requirement for 9 pupils. This equates to an indicative commuted sum of £145,035. The overall estimated education sum is £346,211.

Notwithstanding the above, the investment for St Mary's Primary School is worth an estimated £2,280,000. Additionally, the interest sums generated by the estimated £3,226,400 can be utilised for John Frost High School and Newport High School. This will safeguard the effective functioning of St Mary's RC Primary School and provide investment for John Frost High School and Newport High School. Consequently, the education department are not requesting any education sums through the S106 process for John Frost High School, St Woolos Primary School, Crindau Primary School or Clytha Primary School.

### **Highways**

- Owner to pay £20,000 to the Council to provide an intermittent 20mph speed limit along Queens Hill adjacent to the school. Sum required prior to first occupation.
- Owner/Developer to provide alignment improvements to junction of Queens Hill and Pentonville junction; The owner/Developer will be required to enter an Agreement under Section 278 of the Highways Act, 1980 to facilitate these works. Works required prior to first occupation.
- Suitable parking controls are required to protect the proposed access onto Fields Road and the access road into the development (in the interest of highway safety and the free flow of traffic). The cost of any traffic regulation orders must be met by the developer and must form part of any S.278/111 agreement or any future S.38 submission.
- Owner to provide a new pedestrian crossing on Fields Road. The Owner/Developer will be required to enter an Agreement under Section 278 of the Highways Act, 1980 to facilitate these works. Works required prior to first occupation.

### **Affordable Housing**

The site lies within the Newport West Housing Target Area. As such, Council policy stipulates a requirement of 30% affordable housing provision.

The applicant is proposing 14.4%, comprising 6 x one bed apartments and 2 x 2 bed apartments and 6 x houses. These units would be constructed and transferred to an RSL partner zoned for development within the city at a cost of no more than 50% of ACG and would fully comply with Welsh Government guidance i.e. DQR, Secure by Design and Lifetime Homes.

The wider benefits of regeneration are important material planning considerations when determining the potential scope and scale of affordable housing provision. In this instance, it is considered that the under provision of affordable housing is outweighed by the regeneration benefits to education infrastructure.

## **6. REPRESENTATIONS**

- 6.1 NEIGHBOURS: All properties within 50m of the application site were consulted, a site notice was displayed and a press notice published in South Wales Argus. The following comments have been received:

- 6.1.1 The proposed access road situated to the west of Shire Hall is unsuitable. Residents of the Grade II listed Shire Hall have and are required to maintain single glazed sash windows (part of the original planning consent). These offer very little noise protection and a further 92 possible dwellings will impact the noise pollution and disturbance experienced by the residents of Shire Hall.
- 6.1.2 Increased road traffic hazard on very busy roads. While the developer has made efforts to determine the traffic on Fields Road, they have not fully considered the extent of its impact. It is a major relief road for the area when the M4 is closed or obstructed between junctions 24-27, which has seen a number of fatal accidents this year alone. The traffic will often build up on Fields Road, Queens Hill, the A4051 and Alt-Yr-Yn Avenue and will block the entrance to the proposed site. This however, is not isolated to major incidents. Traffic regularly builds due to the low volumes of traffic these roads, particularly Fields Road and Queens Hill, were originally designed to accommodate.
- 6.1.3 Lack of parking provision. The on road parking is vital for both the local businesses and residence. Most residents of Shire Hall, Country Chambers and Queens Chambers use road side parking for themselves and/or visitors. The proposed site will significantly reduce available parking. An additional 92 dwellings would leave current Shire Hall, County Chambers and Queen's Chamber residents without suitable parking alternatives. In the initial planning application for the conversion of Shire Hall, some parking would be provided to the rear of the building. They would be insufficient to accommodate all residents, thus the availability of on road parking was a consideration of this approval (REF: 11/0382).
- 6.1.4 Due to the angle of the road and Shire Hall, visibility would be extremely poor for traffic joining Fields Road. The current road layout has resulted in a number of accidents.
- 6.1.5 It is likely the proposed dwellings to the rear of the Grade II Listed Shire Hall will impact its overall preservation. The proposed dwelling to the rear of Shire Hall, Queens Chambers and County Chambers should not exceed the height of the existing boundary wall. Due to the height of this wall there is very little light and airflow making its way to the lower levels of the building and thus further restriction would exacerbate current damp and related issues. Anything to exacerbate and/or restrict light and airflow to Shire Hall would be detrimental to its preservation. The effects of the proposed development will have an impact of the setting of Shire Hall and its surroundings, which the 'listing' designation is there to protect. Developments in the immediate vicinity that are not in keeping with the character and appearance of the listed building will have a detrimental/ adverse effect, undermining the historically significant building sought to protect.
- 6.1.6 Loss of privacy: Currently the combined Shire Hall, Queens Chambers and County Chambers buildings are not overlooked to the rear, East or West. The front of the buildings faces primarily commercial and local authority buildings. The proposed development will create a significant encumbrance on these buildings and overlook Shire Hall and Queens Chambers resulting in a significant loss of privacy, particularly on the first and second floors where onlookers may view directly into the dwellings from the West and the ear.
- 6.1.7 Over development – 14 units to the acre is excessive.
- 6.1.8 The proposed Fields Road junction is dangerous with inadequate visibility and junction radii.
- 6.1.9 The partial demolition to Nos. 1 and 2 Fields Road would be visually unacceptable and probably dangerous.
- 6.1.10 The proposed entrance appears steep would be used as a parking area for Gold Tops offices.
- 6.1.11 An opportunity to provide some rear parking facilities for existing properties No. 5 to No. 15 Queens Hill has not been considered. This would take some pressure off Queens Hill traffic.

- 6.1.12 The token improvement to the junction Queens Hill and Pentonville is inadequate as this is a primary traffic route.
- 6.1.13 The reduction in width of Fields Road at the proposed main access will further restrict traffic flows. Existing congestion causes backing up to St Mark's Crescent.
- 6.1.14 High density and traffic hazards will result in an undesirable living environment. If the density was reduced and better standard and size houses proposed, with improved design, this would become a much sought after area and an asset to Newport.
- 6.1.15 The proposed pedestrian access to the new development from St. Marks Crescent involves a change of use of the existing gated access to the site (the access was only ever used as access for staff of the former school). The potential benefits of opening this lane permanently as a right of way for the public are far outweighed by the potential negative consequences:
- Easy access to adjoining gardens for potential burglary
  - Potential for congregation and anti-social behaviour on lane
  - Unspecified lighting/potential light pollution from permanent lighting
  - Lack of clarity over ownership for upkeep/upgrade of boundary walls
- 6.1.16 Gating Orders - legislation became available to Welsh Local Authorities in 2007 which gives Councils powers to erect lockable gates, typically in adopted rear lanes or footways where there are high levels of anti-social behaviour or crime. At a time where this issue has been recognised and addressed by the Welsh Government, why do these proposals contain the creation of one of these very situations that the government are looking to eradicate?
- 6.1.17 The number of properties has increased from 92 dwellings to 96 in the most recent proposals. Previous objections have been raised to the density of properties on this site given concerns around traffic, pollution and that the density of properties is not in keeping with the surrounding area. Instead of addressing this concern, these new proposals have exacerbated the problem by increasing the number of dwellings instead of reducing the number.
- 6.1.18 Considering Newport has built more houses in both of the previous two years than any other local authority within Wales, and the 4000 proposed new homes scheduled for Glan Llyn/Llanwern as part of creating a new village complete with train station, why do so many houses need to be built within a densely crowded area?
- 6.1.19 There is an existing bottleneck of traffic on Fields Road. The creation of another junction at this point will only increase the traffic problems in this area. This issue will be made worse by the junction to the proposed school drop-off area on Queens Hill.
- 6.1.20 According to the Council's own figures, Allt-yr-yn ward has a shortfall of 10.28ha of formal play area (i.e. 27% of recommended amount). The figures for Formal Play Areas include the private tennis clubs of Stow Park Tennis Club (Woodville Road, 0.48ha) and Allt-yr-yn Tennis Club (tennis courts north of Sorrel Drive, 0.75 ha). These are only generally accessible upon paying a fee. This gives a truer figure of 2.54ha against a FIT target of 14.05ha (i.e. -11.51ha or 18% of the FIT target).
- 6.1.21 The facilities at Sorrel Drive do not meet the Council's own definition of its requirements i.e. General Design Principles in Appendix 2 of '*Summary of Open Space provision by ward 2016*' states that facilities should be 'Sited in open, welcoming locations'. The community are reluctant to use these facilities and any money given in lieu of providing the recommended accessible green space will not reclaim any lost green space from this proposed site or increase the usage of the facility at Sorrel Drive.
- 6.1.22 Adjoining wards of Stow Hill and Shaftesbury have deficits of green space, as has Newport as a whole. These proposals will only contribute towards an irreversible deficit.

- 6.1.23 The 'Outdoor Play Space - General Requirements' (*Summary of Open Space provision by ward 2016*) states that 'The Council will no longer accept pocket sites, small strips of land or corner sites for adoption as these rarely have significant public benefit or form part of a wider strategic scheme. It is imperative at the layout stage of the development that these sites are designed out of the scheme'.
- 6.1.24 Alternatively, design and layout could connect a series of spaces linking within or to adjacent off-site provision, which would be seen as a positive development and could be agreed for adoption. Land that has protected status, for example, Schedule Ancient Monuments, woodlands with a Tree Preservation Order or SINCS are also considered unsuitable for designation as usable outdoor play space within a development.
- 6.1.25 The inadequate areas scheduled as play areas within this proposal are either corners or centred around trees, contradicting Newport City Council's stated stance.
- 6.1.26 Gwent Wildlife Trust (dated 4th June 2014) raised concern over the lack of accessible green space in the previous application but this does not appear to have been addressed.
- 6.1.27 The lack of suitable, available, accessible green space has resulted in the Queens School site being used informally by local children over the last 25 years. Once this land is built upon, these spaces will never be recovered. Where else in the local area could children play a game of football on a flat patch of land of appropriate size?
- 6.1.28 There are a number of developments currently being proposed that will incrementally increase the pressure on traffic, car parking and subsequently air pollution in the local area, including the old Royal Mail sorting offices on Mill Street, conversion of Chartist Tower into offices and a hotel and the increased capacity with the new proposed South Wales Metro system resulting in more cars parked around neighbouring streets to the train station.
- 6.1.29 Whilst mature trees have been included in the plans and are proposed to remain, much of the surrounding bushes and foliage do not feature on the plans. There is an abundance of birds in a variety of species, nesting and feeding in the surrounding green space which would struggle to survive in such a density of housing. There are also foxes living on the site which do not present as a nuisance, and have not been acknowledged in any of the surveys.
- 6.1.30 Details of the elevation of the proposed dwellings are unclear but presuming the existing topography of the land is retained, the planned housing would unreasonably overlook many of the existing dwellings, impacting on privacy and wellbeing.
- 6.1.31 During rush hour, on weekdays in both the morning and evening, there is traffic queued up along Fields Road and Queens Hill leading to the motorway and dual carriageway resulting in very long delays. The additional cars generated by the proposed housing would make the situation intolerable with the traffic at a complete standstill at certain times of the day. Several instances of reckless driving have been seen as cars rush along St Marks Crescent and Queens Hill Crescent and when they see the queues they take chances in turning around within limited space of cars parked on both sides. Our own car (when parked) has been hit twice in this situation, once by another car and once by a Royal Mail Van.
- 6.1.32 Considering the number of young children in the area being dropped at St Mary's Primary and Kites nursery, the addition of further traffic could pose a danger to safety. Whilst we can see that the plans include a drop off area for St Mary's this is only appropriate for the older children as the younger children still have to be walked into school as they are too young to be simply dropped off and so parents would need to park up and walk.
- 6.1.33 The last time the Council suggested the project, they conducted a traffic analysis during half term, which made us lose trust in the decisions being made.
- 6.1.34 There is very limited useable green space in the area for children to play and for organised recreational activity for people young and old. This site could be used for the community in this way. It is very disappointing that the Council seem to have one overriding goal which is to make money from the sale of the land. It would be far more ethical to use it for a

community purpose. It demonstrates that the Council does care about residents and in particular younger residents. It would be wonderful if the Council could be seen to do 'the right thing' for the community.

- 6.1.35 The volume of traffic in the area is already at an unacceptable and dangerous level. As a pedestrian who walks children to and from St Mary's school each day, I witness the congestion and pollution. Any new entrances will add to this congestion and cause longer traffic queues and possible accidents.
- 6.1.36 Concern regarding the health and education facilities for the people living on this site. As this is a highly residential area most local doctors' surgeries are already working to full capacity. Most local schools are working to full capacity, especially St Mary's.
- 6.1.37 The drainage and sewerage systems are antiquated and would be unable to cope with more properties, resulting in problems exacerbated by topography and high density of development.
- 6.1.38 Loss of amenity due to lights shining into property and disturbance due to doors opening and closing as a result of a car park proposed adjacent to property.
- 6.1.39 Pollution has not been considered. No clean air survey has been done.
- 6.1.40 Too high a concentration of housing - whilst planning policy suggests a minimum concentration of houses of 30 houses per hectare, 96 houses does not take into account that the green space is 0.39 Hectares (this should be subtracted from the total area and then 30 houses per Hectare would mean a maximum of 81 houses.
- 6.1.41 Local area of Play: The report states that there is a lack of provision for LAP and the developers could provide a LAP. This should be compulsory before permission is granted and should have physical play equipment.
- 6.1.42 LEAP: It has been stated that the LEAP and MUGA in Sorrel Drive is close enough so the site does not have to provide more provisions. As the crow flies, Sorrell Drive play area looks close, but there is no safe direct access. You would have to walk all the way around and would it would take around 15 minutes each way. It is an intimidating area with needles and glass often discarded around it.
- 6.1.43 Parking: the location of this development will mean that local workers will use this estate for free parking. Two spaces per household plus minimal visitors parking is not enough. This will result in people parking on the pavements because the roads will not be wide enough. Can you not take this opportunity to keep a small segment of land at the entrance for a car park?
- 6.1.44 The close proximity of houses and their elevated height will cause loss of light and loss of privacy. There will be undue noise, additional traffic, reduce security of our home and cause depreciation of house values. Under the Human Rights Act, a person has the right to peaceful enjoyment of all their possessions which include the home and their land and a person has the substantive right of respect for their private and family life.
- 6.1.45 I have never had a problem with noise from any users of the site and to think that the noise caused by building the housing and having a large number of people living so close would cause less noise. The gardens of our homes are very quiet and private.
- 6.1.46 Only 10 plots have been set for affordable housing showing that the demand is not great. What standard of housing will it be?
- 6.1.47 The development proposal is close to a listed building. 96 houses will be overbearing.
- 6.1.48 There would be only one way into and out of the development.
- 6.1.49 Would an environmental impact assessment be appropriate?



6.2 COUNCILLORS: Councillor Evans queried what a “Hybrid application” entails and expresses concern that we can look to approve a development without knowing fundamental details like the size of the houses or the number of parking spaces allocated to each property. As you will already know Queens Hill is already suffering from inadequate parking and traffic congestion. This will do nothing to enhance the area and there is no provision for green space within it. The access onto Fields Road will inevitably mean a loss of further car parking spaces while a number of mature trees will also be lost. A maximum of 96 properties I consider to be an overdevelopment of this site so please consider this to be a formal objection.

## **7. ASSESSMENT**

7.1 This is a hybrid planning application. This means that part of the application site has been submitted in ‘outline’ with matters relating to appearance, landscaping, layout and scale reserved for subsequent determination. Means of access is submitted for consideration as part of this application. However, part of the application (that relating to the proposed alterations to the property known as 1 and 2 Fields Road) has been submitted in full.

7.2 In relation to the outline element of the application, it is proposed to erect up to 96 dwellings (including 14 affordable homes) on the site. Nos 1 and 2 Fields Road would be partly demolished to provide room for a new vehicular access to be constructed off Fields Road to cater for the proposed development. An illustrative plan has accompanied the application, which demonstrates how the site could be developed. It shows a new estate road constructed to serve the proposed dwellings. The plan shows two areas of open space. It is indicated that the majority of units would comprise a mix of detached, semi-detached and terraced units with flats sited within the south eastern corner of the site. An existing pedestrian access onto St Mark’s Crescent would be retained. However, it should be noted that this plan is purely illustrative and has no weight at this outline stage.

7.3 The full element of the application submits full details in relation to the partial demolition and redevelopment of Nos. 1 and 2 Fields Road. This information was requested to enable the Council to determine the impact of the proposals on the setting of the adjacent listed building (Shire Hall). The building was previously occupied as a care home. It is proposed to demolish the eastern portion of the building and re-instate a façade facing onto the proposed access road to provide a single dwelling.

7.4 In terms of the principle of the development, the site is allocated within the Local Development Plan as a housing commitment (allocation H1 (62)). Planning permission has previously been granted to develop the site for housing and this permission remains extant (17/1028). The principle of residential development on this site is therefore well established.

7.5 There are a number of differences between this application and the previous planning permission, as follows:

- The previous permission encompassed a scheme to develop the site for residential purposes together with improvements to St Marys Primary School. However, these proposals have now been split into two planning applications. This current application deals with the proposed residential development. Application 18/0531 (also reported to this Committee) deals with the improvements to St Mary’s school.
- The previous planning permission proposed a single point of access off Queens Hill which would have served the residential development and led to a drop off pick up area to serve St Marys Primary School. However, the current application proposes to create an access off Fields Road to solely serve the housing development.
- The size of the site has been slightly reduced compared to the previous planning permission due to land fronting Queens Hill now forming part of application 18/0531, to provide room for the proposed drop off pick up area.
- The number of proposed residential units has been increased slightly. The previous planning permission proposed 92 dwellings, whereas this current application proposes 96 dwellings (plus the single dwelling being created in place of the care home adjacent to the proposed access).
- Whilst illustrative, in place of the proposed access off Queens Hill, it is indicated that flats would be constructed in the south east corner of the site.

7.6 The application has the following considerations:

- Highway implications
- Impact upon the setting of a listed building
- Planning contributions
- Amenity issues
- Trees and ecology

## 7.7 Highway implications

7.7.1 Taking into account the findings of the Transport Statement, the Council's highways engineer is satisfied that the highway network can cope with the levels of overall traffic generation resulting from the proposed development. The engineer acknowledges that the layout is illustrative and so only provides in principle comments to inform a future layout, as follows:

- There is an existing access located adjacent to the proposed access. The proposed buildout will prevent use of this access and its proximity would be detrimental to highway safety due to potential conflict. This access must be closed to form the proposed access onto Fields Road.
- Parking, including visitor parking, must be provided in accordance with the Newport City Council Parking Standards. Provision of visitor spaces on street is acceptable but it must be demonstrated where these spaces can be accommodated.
- Pedestrian footpath links would be provided/retained onto Queens Hill and St Marks Crescent. This will improve the permeability of the site and encourage multi modal forms of travel. There is potential however for these types of areas to be subject to anti-social behaviour and therefore careful consideration will need to be given to the design.
- The estate road must be designed to the Council's adoptable standards and should incorporate the methodology of Manual for Streets 1 and 2.
- It must be demonstrated that a refuse vehicle and large car can navigate the site without conflict.
- Visibility splays must be provided in accordance with Manual for Streets. This includes the provision of pedestrian visibility splays.
- The scheme should be designed to 20mph speeds and suitable traffic calming measured employed where necessary.

7.7.2 The proposal would cause an increase in vehicle trips on the highway network and so the highways officer has requested a number of off-site highway improvements as detailed below:

- The junction of Queens Hill/Fields Road has restricted visibility. As part of the previous application it was agreed to provide a build out which would improve visibility to the right when exiting from Queens Hill and physically prevent illegal parking up to the junction.
- Fields Road currently has no formal crossing point. Following the provision of a junction onto Fields Road, there will be an increase in pedestrian movements. A formal crossing point should be provided along Fields Road to facilitate pedestrian movements.
- The Council seeks an obligation on the developer to fund the cost of providing an intermittent 20mph speed limit along Queens Hill adjacent to the school, which is consistent with the Council's Policy to provide 20mph zones adjacent to schools and a contribution of £20K is sought to provide this.
- There is a high demand for on street parking in this area with incidents of illegal parking taking place. Suitable parking controls will therefore need to be put in place to protect the proposed access road in order to allow for the free movement of traffic at the junction.

## 7.8 Impact upon the setting of a listed building

7.8.1 The site is in close proximity to a listed building; Shire Hall (including the attached Queen's Chambers) which is listed at grade II as *"an impressively designed Edwardian civic building, which has retained its original character, including fine interior detail."*

- 7.8.2 As stated above, it is proposed to partly demolish an existing building (Nos 1 and 2 Fields Road) and make good to enable a new access to be constructed from Fields Road. This building as altered and the proposed access would be situated directly adjacent to the listed building and so there is potential for these proposals to affect the setting of the listed building. It is for this reason that the application has been submitted as a hybrid application, as full details relating to Nos 1 and 2 Fields Road were considered necessary to properly consider the impact on setting.
- 7.8.3 The Council's conservation officer has no objection to the application. The officer has stated that the proposed works to the access road to Pentonville/Fields Road preserve the formal character of this frontage. A condition has been imposed to require full details of boundary treatment to ensure that this character can be maintained.
- 7.8.4 In relation to the rear elevation of the listed building, it is important that the elevational treatment, landscaping and boundary treatment of the dwellings to the south-eastern part of the site is given careful consideration. The nearest building to the boundary on the illustrative plan is noted to be made up of six flats. Due to the elevated nature of the site there is a concern over the potential height of the structure, to avoid a detrimental impact on the listed building. It would be advisable to keep the building set well back from the boundary and kept at a reasonable height (two storeys). The majority of the rear windows of the listed building are either below the proposed site level or are obscured. The Council Chamber is an exception and the conversion of the room will see the introduction of a mezzanine floor bringing living space to the eye level of the site. The boundary treatment, ideally soft in nature, is particularly important to allow the impact to be reduced. Obscure glazing here would be considered to have a possible detrimental impact on the listed building. In response to these comments, a condition is imposed to require the developer to have regard to the setting of the listed building when drawing up the reserved matters details.

## 7.9 **Planning Obligation matters**

- 7.9.1 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. The planning obligations required to mitigate the impact of the development is assessed below.
- 7.9.2 Calculations are based on a scheme for up to 97 dwellings, comprising:
- a. 83 'market housing' dwellings;
  - b. 14 'affordable housing' dwellings (equating to 14.4% of the development), indicatively comprising 6 x one bed apartments and 2 x 2 bed apartments and 6 x houses. Council policy (specified in the adopted Planning Obligations SPG) stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations.

### **Affordable Housing**

- 7.9.3 The site lies within the Newport West Housing Target Area. As such, Council policy stipulates a requirement of 30% affordable housing provision.
- 7.9.4 The applicant is proposing 14.4%, comprising 6 x 1 bed apartments, 4 x 2 bed apartments and 4 x 2 bed houses. These units would be constructed and transferred to an RSL partner zoned for development within the city at a cost of no more than 50% of ACG and would fully comply with Welsh Government guidance i.e. DQR, Secure by Design and Lifetime Homes.

### **Leisure**

- 7.9.5 There is a surplus of Informal Play provision in the Alt-Yr Yn ward. As such, no commuted sum is required for Informal Play. However, there is a deficit of Equipped and Formal Play

provision within the Allt-Yr-Yn ward. The scale of Equipped Play (to be provided on site and to include a LAP and a LEAP) and Formal Play (to be provided off site) that comes forward at reserved matters stage will have to accord with the Council's SPG including the following formulas:

- Equipped Play = 0.25 hectares per 1000 population plus
- Formal Play = 1.6 hectares per 1000 population.

7.9.6 A 'maintenance sum' for the on-site open space will need to be paid to the Council, or, if the developer prefers, on-site open space could be maintained by a Private Management Company. The Formal Play element of the 'commuted sum' will need to be paid by the developer towards maintaining / upgrading off-site open space, which could be allocated either towards Sorrell Drive play area and/or Allt-Yr-Yn Heights play area. The maintenance and commuted sums would be calculated based on the formula set out in paragraph 5.8 of this report.

### **Highways**

7.9.7 As stated in paragraph 7.7.2 above, the Council's highway engineer has requested a number of off-site highway improvements; namely introducing a 20mph speed limit on Queens Hill, alignment improvements to the junction of Queens Hill and Fields Road and a new pedestrian crossing on Fields Road.

### **Education**

7.9.8 'School Capacity' is calculated taking account of current school capacities, demand generated by extant permissions and/or Joint Housing Land Availability supply, as well as future pupil number projections over the lifetime of the related planning permission.

7.9.9 The development is served by John Frost High School (estimated surplus capacity of 11 pupil places). The development generates 22 secondary pupils, resulting in a net requirement for 11 pupils. This generates an indicative commuted sum of £201,176. The development is also served by St Woolos Primary School, Crindau Primary School and Clytha Primary School (overall surplus capacity of 18 pupils). The development generates 27 primary pupils, resulting in a net requirement for 9 pupils. This equates to an indicative commuted sum of £145,035. The overall estimated education sum is £346,211. Having considered the arrangements relating to St. Mary's, the education department in consultation with the Cabinet Member, has decided not to request education sums through the S106 process for John Frost High School, St Woolos Primary School, Crindau Primary School or Clytha Primary School in this instance.

### **Regeneration benefits**

7.9.10 St Mary's RC Primary School has been using former Newport High School land via a mix of formal and informal arrangements, including a car park, a canteen and fields for sporting purposes. The applicant could ask St Mary's to cease using this land with a dramatic effect upon the well-being of the school. This would include losing the ability to drive into the land when picking up and dropping off children; this would then have to happen on Queens Hill. Public consultation found strong support for improved facilities for St Mary's.

7.9.11 The applicant is jointly Newport City Council and local landowners that are not simply developers but have historical connections to the site and its use by the community and are sympathetic to the social benefits resulting from the continued use of St Mary's. The applicant intends to invest towards the cost of improvements proposed to St Mary's RC Primary School outlined in planning application 18/0531, which include a new dedicated drop off pick up area, a new canteen building and sports pitches.

7.9.12 These wider benefits of regeneration have been taken on board when determining the potential scope and scale of affordable housing provision. In this instance, it is considered that the under provision of affordable housing is outweighed by the regeneration benefits resulting from the development.

### 7.9.13 Summary of Heads of Terms

Heads of Terms for a Section 106 agreement have therefore been prepared to deal with the affordable housing, leisure provision and off site highway improvements in accordance with the table below. The applicant has agreed to these Heads of Terms.

<b>Service Area that requires planning obligation</b>	<b>Purpose of planning obligation</b>	<b>Planning obligation initially sought by Planning Authority</b>	<b>Summary Heads of Terms agreed by applicant(s)</b>	<b>Viability Issues?</b>
Regeneration, Investment and Housing	Affordable housing	30% target	Provide 14.4% on site affordable housing	Yes
Street scene (leisure services)	Improvement to existing and provision of new local leisure facilities	On-site open space equipped 0.25 hectares per 1000 population  Off-site commuted sum for formal provision 1.6 hectares per 1000 population	On-site open space <ul style="list-style-type: none"> <li>• Equipped (LAP/LEAP)</li> <li>• Formal (off site commuted sum towards Sorrell Drive &amp; Allt yr yn Heights)</li> <li>• Maintenance sum based on formula OR private management</li> </ul>	Yes
Street scene (highways)	Improvements to local highway network	<ul style="list-style-type: none"> <li>• Junction alignment improvements</li> <li>• £20K speed limit</li> <li>• Pedestrian crossing</li> </ul>	<ul style="list-style-type: none"> <li>• Junction alignment improvements</li> <li>• £20K speed limit</li> <li>• Pedestrian crossing</li> </ul>	Yes

7.9.14 On the previous application, as the Council is joint applicant with Residual Lands, it was determined that a Section 106 agreement could not be utilised, as the Council cannot enter into a legal agreement with itself. It was proposed to draw up a Development Agreement which would need to be signed by whichever developer purchases the site.

7.9.15 However, recent case law indicates that it is possible for the Council to grant planning permission for a development without the need for a Section 106 agreement to be signed prior to a decision being issued. A condition is imposed requiring the future developer to sign a Section 106 agreement based on the Heads of Terms outlined in the table above.

### 7.10 Amenity considerations

7.10.1 The impact of construction work on the amenities of existing residents will be protected by a Demolition and Construction Management Plan which will need to be agreed with the Council. Public Protection also have powers to deal with any nuisance caused and can control hours of working.

7.10.2 The Public Protection Manager has suggested that the impact of noise from the school on residents should be considered.

7.10.3 The scheme is currently in outline with details of layout to be submitted as part of a future reserved matters application and so issues of amenity such as privacy implications and potential overbearing impact will be considered at that stage.

### 7.11 Trees and ecology

7.11.1 Conditions are imposed to ensure that the proposed layout takes account of existing trees. A condition is imposed to deal with ecology matters.

## 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 acceptable in principle, with no adverse impact on trees or ecology. Whilst there would be a shortfall in the provision of affordable housing, when the overall community benefits accruing from the scheme are taken on board, it is considered that there is significant justification for recommending the scheme for approval.

## 10. **RECOMMENDATION**

GRANTED WITH CONDITIONS

### **Conditions relating to full and outline application:**

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

- site location plan 17112(05) 100 Rev B
- Demolition plan 17112(05)100 Rev B
- Proposed elevations for Nos. 1 & 2 Fields Road
- Proposed plans for Nos. 1 & 2 Fields Road
- Bat and reptile report 28 March 2014 undertaken by Soltys Brewster ecology
- Design and Access Statement

- Planning Statement undertaken by Hannaby Planning Solutions dated February 2018
- Extended Phase 1 Habitats Study
- Transport Statement dated May 2018 prepared by Stuart Michael Associates Limited
- Tree Survey and arboricultural statement
- Landscape and Visual impact Assessment March 2014

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

### **Pre-commencement conditions**

02 Prior to the commencement of any development, including demolition, a phasing programme indicating how the development shall sequentially proceed, shall first be submitted to and approved in writing by the Local Planning Authority. The phasing programme shall include the closure of existing accesses, creation of new access and road infrastructure, demolition works and construction of housing units. The development shall be implemented in accordance with the agreed phasing programme.

Reason: In the interests of the amenities of the occupiers of the proposed dwellings and in the interests of highway safety.

03 No development shall commence until an agreement made under Section 106 of the Town and Country Planning Act 1990 and containing the obligations listed in the Heads of Terms document attached to this permission has been entered into by the appropriate parties.

Reason: To ensure that the required planning obligations are secured.

04 No development, to include demolition, shall commence until a Demolition / Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Development works shall be implemented in accordance with the approved Construction / Demolition Management Plan. Heavy vehicular movements associated with the construction of the development shall not be permitted to arrive or depart the site between the hours of 8.00am and 9.15am and between 3.00pm and 4.15pm on any days when St Mary's School is open to pupils.

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

05 No development, other than demolition, shall commence on each phase as defined under Condition 02, until full details of the layout, widths, gradients, drainage, materials and specifications, cross sections, long sections, details of retaining structures and means of construction of all carriageways and footpaths has been submitted to and approved in writing by the Local Planning Authority. With the exception of the final wearing course, the development including footways, pedestrian crossings, street lighting and drainage shall be completed in accordance with the details as approved prior to the first occupation of any building in that phase. The final wearing course shall be completed prior to the first occupation of the last building in that phase.

Reason: To ensure that the roads shall be constructed and sited to the satisfaction of the Council so far as to provide a proper means of access for traffic and to ensure that the land can be adequately drained.

06 Before the development, other than demolition, is commenced the scheme of landscaping, management plan and tree planting shall be carried out in accordance with a phased planting programme that has first been submitted to and approved in writing by the Local Planning Authority. This programme shall relate the timing of planting and seeding, by areas to the construction and occupation of dwellings, and within these areas the landscaping scheme shall be implemented by a date not later than the end of the full planting season following the occupation of the first completed dwelling in each phase. The entire scheme shall be maintained for a period of 5 years from the date of planting in accordance with the agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: To ensure the development progress logically in a form which allows for the completion of constituent parts of the development before work is carried out.

07 Prior to commencement of development, full details of proposed boundary treatment shall be submitted to and agreed in writing with the Local Planning Authority. The boundary treatment shall be constructed in accordance with the agreed details prior the first beneficial occupation of any dwelling.

Reason: In the interests of visual amenities.

08 Prior to work first commencing on site, full details of the proposed methods of surface and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be fully implemented in accordance with the approved scheme prior to first beneficial occupation of any dwelling hereby approved.

Reason: To ensure the provision of adequate drainage.

09 Prior to the commencement of development, details or samples of materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed details.

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

### **Conditions relating to the 'full' element of the application only**

#### ***Standard Condition***

The development must begin not later than the expiration of FIVE YEARS from the date of this permission.

Reason: To conform with the requirements of The Town and Country Planning Act 1990.

### **Conditions relating to the outline element of the application only**

#### ***Standard Condition***

(a) The matters set out in the conditions below are reserved for the submission and approval of details.

(b) In the case of any reserved matter, application for approval must be made not later than the expiration of THREE YEARS beginning with the date of this permission.

Reason: The application is in outline only and the further details are required to ensure that a satisfactory form of development take place.

(c) No development shall be carried out on the site until details of the reserved matters have been approved, and the development shall be carried out in accordance with these details.

Reason: The application has been submitted in outline only. Further details are required to ensure that a satisfactory form of development takes place.

(d) The development to which this permission relates must be begun not later than whichever is the later of the following dates:-

(i) the expiration of FIVE YEARS from the date of this permission; or

(ii) the expiration of TWO YEARS from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform to the requirements of Sections 91 and 92 of the Act 1990.

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

Reason: To safeguard the rights of control of the Local Planning Authority in respect of the reserved matters and to comply with the provisions of Article 3(1) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.



11 The reserved matters referred to in Conditions 10 shall include details of all formal and informal recreation areas (details to include siting, design, external appearance, landscaping and means of access). These areas shall be provided in accordance with the approved details following occupation in excess of 75% of the development and maintained as such in perpetuity.

Reason: To ensure that adequate levels of recreation facilities are provided to serve the development.

12 In pursuance of any reserved matters application, the layout, design and height of development adjacent and to the north of Shire Hall shall have regard to the need to preserve the setting of the listed building (Shire Hall and County Chambers).

Reason: To preserve the setting of the listed building.

13 In pursuance of any reserved matters application, the design and height of boundary treatment adjacent to Fields Road shall have regard to the need to preserve the setting of the listed building (Shire Hall and County Chambers).

Reason: To preserve the setting of the listed building.

14 In pursuance of any reserved matters application, cross sectional details and slab level information shall be submitted to demonstrate:

- The visual impact of development on the surrounding area
- the relationship of proposed dwellings with each other and
- the relationship of proposed dwellings with existing dwellings situated along the periphery of the site.

Reason: In the interests of the visual amenities of the area and the amenities of existing and proposed residential occupiers having regard to the topography of the site.

15 In pursuance of any reserved matters application, a scheme shall be submitted to address ecological mitigation to ensure the maintenance of dark corridors for foraging bats, having regard to the findings of the Bat Survey Report dated 31 August 2018 WWE 18189 BAS Rev A by Wildwood Ecology.

Reason: In the interests of protected species.

16 Pursuant to the approval of the reserved matters relating to layout and appearance, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external noise (including from road traffic and plant noise associated with St Mary's school) in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that **all** such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

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

17 Pursuant to the approval of the reserved matters relating to layout and appearance, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that the maximum day time noise level in outdoor living areas exposed to external noise (including from road traffic and plant noise associated with St Mary's school) shall not exceed 55 dBA Leq 16 hour [free field]. The scheme of noise mitigation as approved shall be constructed in its entirety prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity.

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

### **Pre-commencement conditions**

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

- a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.
- b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to (BS10175/2011), containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.
- c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be occupied until:
- d) Following remediation a Completion/Verification Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.
- e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

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

- (a) Trees and hedges to be retained/felled clearly identified and marked on a plan;
- (b) Trees and hedges requiring surgery and details of the tree surgery;
- (c) The root protection areas to be identified on plan for retained trees and hedges;
- (d) The type and detail of the barrier fencing to be used to safeguard the root protection areas;
- (e) The precise location of the barrier fencing, to be shown on plan.

The development shall be carried out in accordance with the approved Tree Protection Plan.

Reason: To protect important landscape features within the site.

20 No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until the root protection barrier fencing has been installed in accordance with the approved tree protection plan. No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the root protection area. All weather notices shall be erected on Heras fencing, 1 per 10 panels, stating 'Construction Exclusion Zone No Access'. The fencing shall be retained for the full duration of the development, and shall not be removed or repositioned without the prior written approval of the local planning authority.

Reason: to protect important landscape features within the site.

21 No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until the Root Protection Barrier fencing has been installed in accordance with the approved Tree Protection Plan and its location and installation has been signed off by the Arboriculturist who has been agreed by the Local Planning Authority.

Reason: To protect the specimen trees which are an important landscape feature within the site.

22 No operations of any description, (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall

commence on site in connection with the development, until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. (The Arboricultural Method Statement shall contain full details of the following:  
Timing and phasing of arboricultural works in relation to the approved development;  
Construction exclusion zones;  
Protective barrier fencing;  
Ground protection;  
Service positions;  
Special engineering requirements including 'no dig construction';  
Pre-construction tree works;  
Approved tree removals;  
Access facilitation pruning.

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

Reason: To protect important landscape features within the site.

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

Supervision and monitoring of the approved Tree Protection Plan;

Supervision and monitoring of the approved tree felling and pruning works;

Supervision of the alteration or temporary removal of any Barrier Fencing;

Oversee working within any Root Protection Area;

Reporting to the Local Planning Authority;

The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Council's Tree Officer.

Reason: To protect important landscape features within the site.

### **Prior to felling of trees**

24 Prior to the felling of the T50 (Beech) T47 ( Birch) and T48 (Weeping Birch) at 1 & 2 Fields Road and as shown on the Tree Survey submitted by Mackley Davies Associates 5 October 2017, full details of 5 replacement trees shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the position, species and size of the replacement trees which are to be a minimum size of 20/25cm girth at 1m above ground level. The replacement trees as approved shall be planted within the first full planting season (October to April) following the felling of the existing trees. The replacement trees shall be planted on areas of public open space and not within the confines of a domestic garden.

Reason: To secure appropriate replacement planting in the interests of the visual amenities of the area.

25 Prior to any works commencing on site, a reptile survey shall be undertaken which shall be submitted to and agreed in writing with the Local Planning Authority. If necessary, a reptile mitigation strategy and method statement shall be submitted to and agreed in writing with the Local Planning Authority prior to any works. In the event that a strategy and statement is necessary, the development shall be undertaken in accordance with the agreed strategy and statement.

Reason: In the interests of ecology.

### **Pre-occupation conditions**

26 Prior to the beneficial occupation of the associated dwelling, roads and footpaths shall have been laid to provide access to them and provision shall be made within the site for garaging/parking facilities in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The garaging/parking facilities shall be kept available for such use at all times thereafter.

Reason: To ensure that adequate access and parking provision is made in the interests of highway safety.

27 Prior to first beneficial occupation of the associated dwelling, refuse storage facilities shall be provided and refuse collection management procedures shall be fully operational in accordance with details which shall have previously been submitted to and agreed in writing with the Local Planning Authority. The facilities shall be retained in the approved state and the refuse collection management procedures shall remain operational at all times thereafter.

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

### **General conditions**

28 The existing access to the site off Queens Hill shall be stopped up and abandoned and footway and verge crossings removed and made good in a timescale agreed in pursuance of condition 2 (phasing) and in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

29 The existing access located between 1&2 Fields Road and Shire Hall shall be stopped up and abandoned and footway and verge crossings shall be removed and made good in a timescale agreed in pursuance of condition 2 (phasing) and in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

30 Except where otherwise agreed in writing by the Local Planning Authority, no existing trees shall be felled, topped or lopped, and no existing hedges shall be removed.

Reason: To protect existing landscape features on the site.

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

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

32 The pedestrian route linking the site to St Mark's Crescent shall be provided in accordance with details to include a maintenance scheme which shall have previously been submitted to and agreed in writing with the Local Planning Authority. This link shall be provided in accordance with a timescale to be agreed as part of condition 02 (phasing) and thereafter maintained at all times thereafter.

33 Access roads and driveways shall be constructed with a gradient no steeper than 1:8.

Reason: In the interests of pedestrian and highway safety.

34 The development shall be undertaken in accordance with the mitigation measures set out in the Bat Survey Report dated 31 August 2018 WWE 18189 BAS Rev A by Wildwood Ecology, including the timing of scrub clearance outside the bird nesting season and ensuring the management of any invasive species on the site.

Reason: In the interests of protected species.

### *NOTE TO APPLICANT*

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP4, SP10, SP13, SP18, GP1, GP2, GP3, GP4, GP6, GP7, H1, H2, H3, H4, T4 and W3 were relevant to the determination of this application.

02 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.

03 The application has been assessed having regard to Planning Policy Wales Edition 9 2016 and the Technical Advice Note 12 Design.

04 Prior to the commencement of the development hereby approved, the developer should contact the Council's address management team on 01633 656656 regarding street naming and numbering.

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

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

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

06 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 preclearance survey shows no breeding birds to be present, nesting or commencing nesting within the vegetation to be affected.

07 A water supply can be made available to serve the proposed development. The developer may be required to contribute under Section 40-41 of the Water Industry Act 1991.

08 The applicant will be required to enter into an Agreement under Section 278 of the Highways Act, 1980 with the Council to facilitate the access works.

09 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.

10 A public sewer cross the site.

11 The extent of the work hereby approved shall be agreed on site by the Council's Tree Officer prior to any works to the trees commencing.

Reason: In the interests of the health and longevity of the tree and preserving its amenity value: To protect important landscape features within the site.

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## **APPLICATION DETAILS**

No: 18/0507 Ward: **ALLT-YR-YN**

Type: Outline (Major)

Expiry Date: 28-AUG-2018

Applicant: **NIGEL PHILLIPS, NEWPORT CC & RESIDENTIAL LANDS LTD. 23A, GOLD TOPS, NEWPORT, NP20 4UL**

Site: **Queens Hill Education Centre, Queens Hill, Newport, NP20 5XN**

Proposal: **HYBRID APPLICATION: OUTLINE PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING BUILDING AND ERECTION OF UP TO 96NO. DWELLINGS (INCLUDING 14NO. AFFORDABLE DWELLINGS) AND ANCILLARY DEVELOPMENT, WITH ALL MATTERS RESERVED APART FROM THE PRINCIPLE OF MEANS OF ACCESS; AND FULL PLANNING PERMISSION FOR THE PARTIAL DEMOLITION OF 1 & 2 FIELDS ROAD AND CHANGE OF USE OF THE REMAINING PART TO A SINGLE DWELLING**

### **1. LATE REPRESENTATIONS**

1.1 In relation to paragraph 5.1.1 of the officer report, the agent wishes to confirm that the school was open as Half Term ended on 3<sup>rd</sup>. November in 2017. The applicant's consultants have advised that on the day of the survey (i.e. Thursday 16th November 2017), there were not any significant factors which may have affected the counts.

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

2.1 The officer notes the clarification.

### **3. OFFICER RECOMMENDATION**

3.1 The recommendation remains to grant with conditions.

**APPLICATION DETAILS**

**No:** 18/0531      **Ward:** ALLT-YR-YN

**Type:** FULL (MAJOR)

**Expiry Date:** 27-AUG-2018

**Applicant:** NEWPORT CITY COUNCIL

**Site:** ST MARYS RC JUNIOR AND INFANT SCHOOL, QUEENS HILL, NEWPORT, NP20 5HJ

**Proposal:** DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF NEW CANTEEN BUILDING, 2NO. ADDITIONAL PLAY AREAS, PICK UP AND DROP OFF AREA AND IMPROVED VEHICULAR ACCESS VIA QUEENS HILL AND ASSOCIATED WORKS

**Recommendation:** GRANTED SUBJECT TO CONDITIONS

**1. INTRODUCTION**

- 1.1 The site comprises the grounds of the St Mary's Roman Catholic Junior and Infant School and part of the grounds of the former Newport High School.
- 1.2 Outline planning permission 14/0386 was initially granted in December 2014 for up to 92 dwellings on the grounds of the former Newport High School, formation of a new access, open space, landscaping, parking for existing residents and facilities for St Marys Roman Catholic Primary School together with demolition of existing school buildings. This application was subsequently renewed in 2018 (17/1028).
- 1.3 This current application seeks to demolish an existing building on the St Mary's School site, provide a new canteen building, play areas and create a new access off Queens Hill to serve a new pick up drop off area for the school.
- 1.4 The application has been submitted by Newport City Council. The application has been reported to Planning Committee as it is a major planning application due to the size of the site(1.2 hectares), as well as relating to Council land.
- 1.5 A separate planning application (18/0507) seeking to develop the adjoining former Newport High School for residential development is also reported on this agenda.

**2. RELEVANT SITE HISTORY**

**14/0386** RESIDENTIAL DEVELOPMENT OF UP TO 92 DWELLINGS, FORMATION OF NEW ACCESS, OPEN SPACE, LANDSCAPING, PARKING FOR EXISTING RESIDENTS AND FACILITIES FOR ST MARYS ROMAN CATHOLIC PRMARY SCHOOL (OUTLINE WITH ACCESS SUBMITTED FOR CONSIDERATION) TOGETHER WITH DEMOLITION OF EXISTING SCHOOL BUILDINGS

**Granted with conditons 3 December 2014**

**17/1028** VARIATION OF STANDARD CONDITION B TO EXTEND TIME PERIOD FOR SUBMISSION OF RESERVED MATTER IN RESPECT OF PLANNING PERMISSION 14/0386 FOR RESIDENTIAL DEVELOPMENT OF UP TO 92 DWELLINGS, FORMATION OF NEW ACCESS, OPEN SPACE, LANDSCAPING, PARKING FOR EXISTING RESIDENTS AND FACILITIES FOR ST MARYS ROMAN CATHOLIC PRIMARY SCHOOL (OUTLINE WITH ACCESS SUBMITTED FOR CONSIDERATION) TOGETHER WITH DEMOLITION OF EXISTING SCHOOL BUILDINGS

**Granted with conditions 7 February 2018**

**18/0507** HYBRID APPLICATION / OUTLINE PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING BUILDING AND ERECTION OF UP TO 96NO. DWELLINGS (INCLUDING 14NO. AFFORDABLE DWELLINGS) AND ANCILLARY DEVELOPMENT, WITH ALL MATTERS RESERVED APART FROM THE PRINCIPLE OF MEANS OF ACCESS; AND FULL PLANNING PERMISSION FOR THE PARTIAL DEMOLITION OF 1 & 2 FIELDS ROAD AND CHANGE OF USE OF THE REMAINING PART TO A SINGLE DWELLING

**Reported to this Planning Committee and recommended for approval**

**3. POLICY CONTEXT**

3.1 The adopted Newport Local Development Plan 2011-2026 (NLDP) has relevant policies:

Policy <b>SP1 Sustainability</b> favours proposals which make a positive contribution to sustainable development.
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>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>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 DWR CYMRU WELSH WATER: has requested the submission of a drainage scheme.
- 4.2 WALES AND WEST UTILITIES: no comment.
- 4.3 HEDDLU GWENT / GWENT POLICE: no comment.
- 4.4 SOUTH WALES FIRE AND RESCUE SERVICE: no comment.



## 5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE (HIGHWAYS): In accordance with Manual for Streets the applicant must demonstrate that 2.4 x 43m visibility splays are achievable along Queens Hill. In addition 2 x 2m pedestrian visibility splays must be provided either side of the access onto Queens Hill. No structures, planting or vegetation will be permitted above a height of 600mm above carriageway level within the splays, and should the application be approved, this must be secured via condition.

A cross section of the proposed access road is required in order to determine the suitability of the gradient in particular where the access road meets the public highway. The applicant must also identify whether the proposal will affect any existing street furniture.

The gates must be set back a minimum of 5m from the edge of the highway in order for a vehicle to leave the highway whilst the gates are opened. The gates must also only open inwards.

Suitable drainage must be employed to prevent surface water run off onto the adopted highway.

The principle of the drop off area and additional staff parking is acceptable and will reduce congestion and the reliance on street parking which is already oversubscribed and results in incidents of illegal parking. That being said, vehicle movements associated with the drop off area will be intensive for a short period of time associated with the start and finish of the school day. The use of the drop off area could have a detrimental impact on the free flow of traffic in the event that vehicles cannot access and egress the junction due to vehicles waiting. A management plan for the proposed drop off/collection area is therefore required and must include the following information:

- How the drop/off collection area will be managed
- Details of markings including any parking bays, restricted parking areas etc.
- Appropriate signage.

Confirmation in regard to what types of vehicle will utilise the proposed access is required. Should the applicant intend for the access to be utilised by larger vehicles a swept path analysis must be submitted for consideration.

There is an existing access which serves St Mary's School adjacent to no.9 Queens Hill. The proximity of this access to the proposed access gives rise to highway safety concerns due to vehicle conflict associated with vehicle movements and vehicles waiting. I acknowledge that this access does not form part of this application and would be closed off as part of the wider residential development being proposed. However given that that the proposals for the school are now being considered independently, a condition is required which states that the existing access adjacent to no.9 Queens Hill must be formally closed/stopped up prior to the first use of the proposed access onto Queens Hill. The details of how this will be achieved must be submitted for consideration.

Should the application be approved a condition is required which states that a CEMP must be submitted and must include such details as contractor parking, contractor compound, wheel wash facilities and dust suppression. Consideration must also be given to how the works will affect the vehicle and pedestrian movements associated with the existing school. Any works must therefore be carried out when the school is closed.

The formation of the access will require works to be undertaken within the adopted highway and therefore Streetscene must be contacted prior to any works taking place.

5.2 HEAD OF STREETSCENE (DRAINAGE): has requested details of surface water drainage.

5.2 HEAD OF STREETSCENE (TREE OFFICER): The copper beech tree is highly significant within the street scene and has great amenity and aesthetic value being an impressive specimen tree. Therefore, every endeavour should be made to ensure that this tree is

treated with respect and protected before, during and after the physical construction process on site. The copper tree is worthy of a TPO and would have been protected as such if it were on a private development site i.e. a site not owned by Newport City Council.

Details will be required to show how the structural retaining elements /car park are to be constructed and the ground graded out to ensure that no detriment is caused to the beech tree (i.e. root and branch damage).The details should include cross sections and details of construction and grading. Should any of the proposals involve an ingress into the Root Protection Area (RPA) of the copper beech tree and/or the horse chestnut tree, an Arboricultural Method Statement will be required prior to the commencement of any works on site to demonstrate that such encroachments can be mitigated and will not be detrimental to the health and long term future of the copper beech tree/ chestnut tree.

5.3 HEAD OF STREETSCENE (ECOLOGY OFFICER): following the submission of additional survey information, has raised no objection subject to the mitigation measures outlined in the ecology report.

5.4 HEAD OF REGENERATION AND REGULATORY SERVICES (PUBLIC PROTECTION): has requested conditions to require a noise assessment, details of fume extraction and a construction management plan.

## **6. REPRESENTATIONS**

### **6.1 NEIGHBOURS:**

All properties within 50m of the application site were consulted, a site notice was displayed and a press notice published in South Wales Argus. One representation has been received objecting to the application as follows:

- Further traffic disruption in Queens Hill.
- Remove parking spaces that residents use.
- Waiting cars will cause major pollution.
- No clean air survey has been carried out.

## **7. ASSESSMENT**

7.1 This is a full planning application seeking the following alterations to St Mary's RC Primary School:

- The demolition of the existing schools meals service building
- The provision of a hard surfaced playground and additional staff parking (8 spaces)
- Construction of new canteen building
- A 40m by 18m mini grassed pitch
- A new access off Queens Hill to a new pick up and drop off area to serve the primary school with 16 car parking spaces.
- Associated retaining works and boundary treatments.

7.2 The new canteen building would be sited to the north of the school building and would have a length of 24.3 metres and a width of 14 metres. The building would have a curved roof design with a maximum height of 4.8 metres. It would be finished with a mix of red facing brick and an aluminium curtain walling system to the walls and a metal roof. The canteen building would provide a servery, a dining area toilets and an equipment store.

7.3 The canteen building has a modern design which is considered acceptable in its setting. The building would be sited a minimum of 48 metres from the boundary with the nearest residential property. Subject to conditions relating to noise and fume extraction requested by Public Protection, it is considered that the canteen would have an acceptable impact upon the amenities of neighbouring residential occupiers.

7.4 A new access would be created off Queens Hill which would lead to a new vehicle drop off area, which would accommodate up to 16 cars. This would lead to a pedestrian footway that would in turn lead into the front courtyard of the school.

7.5 A new car park is also proposed to the north east of the main school building to provide 8 spaces. Adjacent to this, a hard (asphalt) play area is proposed and to the north of this a

new grassed play area would be provided. The car park would be accessed via an existing access lane (although this would turn to run to the rear of Nos. 17, 19 and 21 Queens Hill). The car park would be positioned to the rear of the premises occupied by the Newport Pantomime Musical society, and so this would not cause loss of amenity to residents. The hard play area would be located to the rear of a Synagogue although it would encroach to the rear of No. 5 Queens Hill Crescent. The new grassed play area would be sited 13 metres from the boundary with the nearest residential property. It is also proposed to provide an adventure play area that would be sited 7 metres from the boundary with the nearest residential property. In the context that this is an existing school premises, these play areas are considered acceptable in terms of the impact upon the amenities of neighbouring residential occupiers.

- 7.6 The Council's highways officer has made the following comments:
- 7.6.1 The principle of the drop off area and additional staff parking is acceptable and will reduce congestion and the reliance on street parking which is already oversubscribed and results in incidents of illegal parking. That being said, vehicle movements associated with the drop off area will be intensive for a short period of time associated with the start and finish of the school day. The use of the drop off area could have a detrimental impact on the free flow of traffic in the event that vehicles cannot access and egress the junction due to vehicles waiting.
- 7.6.2 A management plan for the proposed drop off/collection area is therefore required and must include information on how the drop/off collection area would be managed, details of markings including any parking bays and restricted parking areas, and appropriate signage. Condition 15 deals with this requirement.
- 7.6.3 The highways engineer requested 2.4 x 43m visibility splays to be shown to be achievable along Queens Hill with 2 x 2m pedestrian visibility splays either side of the access onto Queens Hill. The engineer also requested a cross section of the proposed access road to determine the suitability of the gradient in particular where the access road meets the public highway and requested that any gates be set back a minimum of 5m from the edge of the highway in order for a vehicle to leave the highway whilst the gates are open and that the gates must also only open inwards. Condition 10 has been imposed to deal with these requirements.
- 7.6.7 The Council's highways officer requested confirmation in regard to what types of vehicle will utilise the proposed access is required. The applicant has advised that the drop off area will be designed for parents to drop off and pick up children although fire appliances may be able to use the access as well on occasion. Subject to management measures to be agreed, no objection has been raised.
- 7.6.8 There is an existing access that serves St Mary's School adjacent to no.9 Queens Hill. The proximity of this access to the proposed access gives rise to highway safety concerns due to vehicle conflict associated with vehicle movements and vehicles waiting. This access does not form part of this application and would be closed off as part of the wider residential development being proposed. However given that the proposals for the school are now being considered independently, the Council's highway officer requested a condition to ensure that the existing access adjacent to no.9 Queens Hill must be formally closed/stopped up prior to the first use of the proposed access onto Queens Hill. Condition 14 deal with this requirement.
- 7.6.9 The highways engineer also requested a condition to require a Construction Management Plan including details such as contractor parking, contractor compound, wheel wash facilities and dust suppression. The highways officer has requested that works should be carried out when St Mary's school is closed.
- 7.8 The Council's Tree officer intially expressed concern regarding the proposed drop off area and the impact that this would have on a beech tree that fronts Queens Hill. In response, a further tree survey was submitted following excavation of trial pits to check on the position of tree roots. It was found that the area subject to the drop off area is former made ground

with a concrete hardstand present at quite low depth. This will have had the effect of restricting root growth which reduces the potential for roots to be affected by the proposed drop off area. However, the tree officer has requested a number of conditions to be imposed to provide protection to the tree during works.

## **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 canteen building, play areas, access and pick up drop off area are considered acceptable in design terms and in terms of their impact upon the amenities of neighbouring occupiers. The proposals are considered acceptable in terms of highway safety subject to a number of planning conditions as stated below. The works can be undertaken without adversely impacting upon a mature tree fronting Queens Hill. The proposals are therefore considered to be acceptable.**

## **10. RECOMMENDATION**

01 The development shall be implemented in accordance with the following plans and documents: Design and Access Statement February 2018, Site Plan 001, Proposed site plan 003, Proposed Canteen Elevations and Plans 004, Protected Species Survey Report May 2018 by Wildwood Ecology, Tree Survey and Arboricultural Constraints Plan 5 October 2017 by Wyn Davies, Bat and Reptile Report 28 March 2014 by Soltys Brewster Ecology, Tree Survey and Arboricultural Impact Assessment 20 August 2018 by Wyn Davies.

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

***Pre- commencement conditions***

02 No development, to include demolition, shall commence until a Demolition / Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Development works shall be implemented in accordance with the approved Construction / Demolition Management Plan. Heavy vehicular movements associated with the construction of the development shall not be permitted to arrive or depart the site between the hours of 8.00am and 9.15am and between 3.00pm and 4.15pm on any days when St Mary's School is open to pupils.

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

03 Prior to work first commencing on site, full details of the proposed methods of surface and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. These details shall be fully implemented in compliance with the approved scheme.

Reason: To ensure the provision of adequate drainage.

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

- (a) Trees and hedges to be retained/felled clearly identified and marked on a plan;
- (b) Trees and hedges requiring surgery and details of the tree surgery;
- (c) The root protection areas to be identified on plan for retained trees and hedges;
- (d) The type and detail of the barrier fencing to be used to safeguard the root protection areas;
- (e) The precise location of the barrier fencing, to be shown on plan.

The development shall be carried out in accordance with the approved Tree Protection Plan.

Reason: To protect important landscape features within the site.

06 No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until the root protection barrier fencing has been installed in accordance with the approved tree protection plan. No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the root protection area. All weather notices shall be erected on Heras fencing, 1 per 10 panels, stating 'Construction Exclusion Zone No Access'. The fencing shall be retained for the full duration of the development, and shall not be removed or repositioned without the prior written approval of the local planning authority.

Reason: to protect important landscape features within the site.

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

Timing and phasing of arboricultural works in relation to the approved development;

Construction exclusion zones;  
Protective barrier fencing;  
Ground protection;  
Service positions;  
Special engineering requirements including 'no dig construction';  
Pre-construction tree works;  
Approved tree removals;  
Access facilitation pruning.

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

Reason: To protect important landscape features within the site.

08 No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until the Root Protection Barrier fencing has been installed in accordance with the approved Tree Protection Plan and its location and installation has been signed off by the Arboriculturist who has been agreed by the Local Planning Authority.

Reason -: to protect the magnificent specimen beech tree which is an important landscape feature within the site.

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

Supervision and monitoring of the approved Tree Protection Plan;  
Supervision and monitoring of the approved tree felling and pruning works;  
Supervision of the alteration or temporary removal of any Barrier Fencing;  
Oversee working within any Root Protection Area;  
Reporting to the Local Planning Authority;

The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Council's Tree Officer.

Reason: To protect important landscape features within the site.

### ***Pre – construction / installation conditions***

10 Prior to its construction, full details of the proposed access shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall ensure that 2.4 metre by 4.3 metre vehicular visibility splays and 2 metre by 2 metre pedestrian visibility splays shall be provided in both directions and the access shall have a gradient no steeper than 1:8. The scheme shall also include full details of gates (which shall be set back a minimum of 5 metres from the edge of the highway) and all retaining structures. The access, associated retaining structures and gates shall be constructed and installed in accordance with the approved details.

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

11 Prior to construction, full details or samples of materials and finishes shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

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

12 Prior to installation of the canteen extraction system, a noise assessment shall be submitted to and approved in writing by the Local Planning Authority to ensure that noise from the system will not unduly impact upon existing and future nearby residents. The assessment should be prepared by a person with appropriate acoustic qualifications and should have full regard to BS 4142:2014 'Methods for rating and assessing industrial and commercial sound' and any other standards considered appropriate. The system shall be installed in full accordance with the agreed details.

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

### ***Pre – beneficial use conditions***

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

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

14 Prior to the first use of the proposed access to the drop off pick up area, the existing access situated adjacent to no.9 Queens Hill shall be formally closed and stopped up in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

15 Prior to the first use of the proposed access to the drop off pick up area, a management plan for the drop off/collection area shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include the following information:

- How the drop/off collection area will be managed.
- Details of markings including any parking bays and restricted parking areas.
- Appropriate signage.

Thereafter, the drop off/collection area shall be managed in accordance with the approved management plan.

Reason: In the interests of highway safety.

### ***General conditions***

16 Except where otherwise agreed in writing by the Local Planning Authority or where shown on the plans hereby approved, no existing trees shall be felled, topped or lopped, and no existing hedges shall be removed.

Reason: To protect existing landscape features on the site.

17 Any unforeseen ground contamination encountered during development, to include demolition, shall be notified to the Local Planning Authority as soon as is practicable. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority, and the approved strategy shall be implemented in full prior to further works on site. Following remediation and prior to the occupation of any building, a Completion/Verification Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

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

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

19 The development shall be undertaken in accordance with the mitigation measures set out in the Bat Survey Report dated 31 August 2018 WWE 18189 BAS Rev A by Wildwood Ecology.

Reason: In the interests of protected species.

*NOTE TO APPLICANT*

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP4, SP10, SP13, SP18, GP1, GP2, GP3, GP4, GP6, GP7, H1, H2, H3, H4, T4 and W3 were relevant to the determination of this application.

02 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.

03 The application has been assessed having regard to Planning Policy Wales Edition 9 November 2016 and the Technical Advice Note 12 Design.

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

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

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

06 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 preclearance survey shows no breeding birds to be present, nesting or commencing nesting within the vegetation to be affected.

08 The applicant will be required to enter into an Agreement under Section 278 of the Highways Act, 1980 with the Council to facilitate the access works.

09 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.

10 A public sewer cross the site.

11 The extent of the work hereby approved shall be agreed on site by the Council's Tree Officer prior to any works to the trees commencing.

12 To encourage the uptake of low / zero emission vehicles in efforts to support an improvement in air quality and reduction in carbon emissions it is recommended a number of parking spaces are installed with electric vehicle charging points, with the remainder installed with the cabling to allow for electric vehicle charging points to be installed in the future.

13 To encourage the uptake of active travel (cycling and walking) in efforts to reduce vehicle numbers resulting in an improvement in air quality and reduction in carbon emissions it is recommended sufficient cycle storage and shower facilities are provided for staff and visitors.



**APPLICATION DETAILS**

**No:** 18/0790      **Ward:** LANGSTONE

**Type:** FULL

**Expiry Date:** 11-OCT-2018

**Applicant:** N BOWMAN

**Site:** WOODLANDS, MAGOR ROAD, NEWPORT, NP18 2JX

**Proposal:** DEMOLITION OF OUTBUILDING AND ERECTION OF A TWO STOREY DETACHED DWELLING AND ASSOCIATED WORKS

**Recommendation:** REFUSED

**1. CONSULTATIONS**

1.1 DWR CYMRU – WELSH WATER: Conditions relating to drainage are requested.

**2. INTERNAL COUNCIL ADVICE**

2.1 HEAD OF CITY SERVICES (HIGHWAYS): I am satisfied that parking for the proposed property can be provided in accordance with the Newport City Council parking Standards. The applicant must however confirm whether the proposal will result in the loss of parking for any existing neighbouring property.

The property is accessed from a layby which is accessed directly from Magor Road at two different locations. The proposal will result in intensification of use of these accesses and therefore the applicant will need to submit visibility splays to demonstrate that visibility is achievable in accordance with current standards.

Each access is too narrow to accommodate two way vehicle movements therefore intensification of use will increase the likelihood of vehicle conflict and a scenario whereby vehicles have to wait on Magor Road or carry out reversing manoeuvres. This is considered detrimental to highway safety and the free flow of traffic and I would therefore object to the application unless it can be demonstrated that each access point can be widened to accommodate two way vehicle movements.

The location of the property is not considered sustainable given the lack of services and facilities in the area. It is likely therefore that the site's location would not encourage multi modal accessibility leading to a reliance on the use of a private motor vehicle for travel to and from the site.

2.2 HEAD OF CITY SERVICES (TREES): No objection.

2.3 HEAD OF CITY SERVICES (ECOLOGY): No objection.

2.4 HEAD OF LAW AND REGULATION (NOISE) OR (POLLUTION): No objection.

2.5 PLANNING CONTRIBUTIONS MANAGER: 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 1 x 4 bed house, and subject to economic viability, a commuted contribution of £3212 would be requested for affordable housing provision.

**3. REPRESENTATIONS**

3.1 NEIGHBOURS: Properties with a common boundary and opposite the site were consulted (6no properties) and a site notice was displayed. No response received.

3.2 LLANWERN COMMUNITY COUNCIL: No objections.

- 3.3 COUNCILLOR ROUTELY: Requests the application is considered by Planning Committee. The Woodlands has extremely large garden area. The application does not encroach onto the open countryside. It provides clear infill it is also well screened from the roadside combined with private access.

#### 4. RELEVANT SITE HISTORY

97/0786	ERECTION OF TWO DETACHED DWELLINGS	Refused
01/0139	ERECTION OF TWO STOREY REAR EXTENSION	Granted with Conditions
14/0934	CERTIFICATE OF LAWFUL DEVELOPMENT FOR PROPOSED CONVERSION AND ALTERATIONS OF OUTBUILDINGS INTO GRANNY ANNEX	Refused

#### 5. ASSESSMENT

- 5.1 This application seeks consent for the demolition of an existing outbuilding and erection of a two storey detached dwelling and associated works at Woodlands, Magor Road. The proposed dwelling would be sited to the side of the existing property in what is a mix of domestic curtilage and a field/undeveloped land. The two properties would have a side-by-side relationship with a distance of approximately 22m between them. The property would be set back from the highway by over 30m. The front boundary of the site is bounded by a high Leylandii hedge and there is an access lane between the site and Magor Road.
- 5.2 The layout of the property would essentially comprise a large hallway, lounge, kitchen and dining room at ground floor and four bedrooms and a bathroom at first floor. The property would have a traditional design akin to that of the 1930's host dwelling and would feature a projecting gable with ground and first floor bay windows. The rear elevation would feature several floor to ceiling height windows as well as a roof terrace. Two parking spaces would be provided within the existing garage and a further space would be sited adjacent to it. The property would be served by the existing driveway.
- 5.3 In planning policy terms, the site is located outside of the urban boundary in the countryside. It is located adjacent to a small group of four dwellings in a typically rural setting on the outskirts of Langstone. It is bounded by fields on three sides and the curtilage of the existing dwelling on the fourth side. The property is described within the application as a retirement dwelling. However, no information has been submitted in support of this and the applicant has subsequently confirmed that the property would be an open market dwelling.
- 5.4 The following policies of the Local Development Plan for Newport, 2011-2026 (Adopted January 2015) are relevant to the proposals:

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

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

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

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

*Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light pollution and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out*

*crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.*

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

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

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

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

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

*Policy H6 Sub-division of Curtilages, Infill and Backland Development permits such development only where it does not represent an over development of the land.*

- 5.5 Planning permission was refused in 1997 for the erection of two dwellings directly adjacent to the application site. The reasons for refusal related to the lack of justification for new dwellings in the countryside, sub-standard junctions of the service layby and inadequate sewerage treatment works in the area. Whilst this decision was made prior to the adoption of the current plan the application site remains outside of the settlement boundary and no agricultural or forestry justification has been provided with the application.
- 5.6 Part of the site meets the Planning Policy Wales (Edition 9, November 2016) definition of previously developed land which includes the curtilage of existing buildings (excluding agricultural or forestry buildings). The rest (approximately 40% of the site) does not. However, as noted in Figure 4.4 of PPW this does not mean that the whole area of the curtilage should therefore be redeveloped. Paragraph 9.3.2 confirms that sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area. However, based on the pattern of existing development with the site being over 100m away from the nearest neighbouring building which are farm buildings in association with Ford Farm (which is also outside of the settlement boundary), the proposals do not constitute sensitive infill development and nor is the proposed dwelling of an affordable nature. The proposals are not considered to be justified and would, if granted set an undesirable precedent for further dwellings in this area to the detriment of its very pleasant visual amenity and rural character and appearance.
- 5.7 The existing outbuilding has a low visual impact and in contrast the proposed dwelling would represent a significant increase in the form of development particularly when

travelling in a south-westerly direction along Magor Road to the detriment of the openness and rural character of the area. It is stated within the application that the existing hedgerow along the frontage of the site would soften any views of the dwelling from Magor Road. However, the screening provided by the hedge cannot be guaranteed in perpetuity as plants have a limited life-span and are susceptible to disease and in any case this does not overcome the in-principle objection to the development relating to lack of justification for a new dwelling in this location.

- 5.8 The bus service serving the area is limited (one bus every two hours) and no service after 7pm or on Sundays and there are few shops or services in Langstone. Occupants of the proposed dwellings would be heavily reliant on private motor vehicles and the site is not sustainable.
- 5.9 In response to the proposals the Head of City Services (Highways) advises that the level of parking for the proposed dwelling is sufficient but has requested confirmation of whether the proposals would result in a loss of parking for the existing property. However, officers are satisfied that there is sufficient parking provision at the existing property. The Head of City Services notes that the property is accessed from a layby directly from Magor Road at two different locations. The proposal will result in intensification of use of these accesses and therefore the applicant will need to submit visibility splays to demonstrate that visibility is achievable in accordance with current standards. Each access is too narrow to accommodate two way vehicle movements therefore intensification of use will increase the likelihood of vehicle conflict and a scenario whereby vehicles have to wait on Magor Road or carry out reversing manoeuvres. This is considered detrimental to highway safety and the free flow of traffic and therefore the Head of City Services objects to the application unless it can be demonstrated that each access point can be widened to accommodate two way vehicle movements. Whilst these comments are noted, visibility is good, particularly at the northern access which is the nearest access to the site and the likelihood of conflict arising from the additional dwelling would be limited. The Authority has not been made aware of any accident statistics that would indicate existing or ongoing problems in this respect. Therefore a reason for refusal on this basis is not considered robust and given the in-principle objections to the development information has not been sought. Notwithstanding this the Head of City Services considers that the location of the property is not sustainable given the lack of services and facilities in the area. It is likely therefore that the site's location would not encourage multi modal accessibility leading to a reliance on the use of a private motor vehicle for travel to and from the site.
- 5.10 It is not considered that the proposed dwelling would result in a detrimental impact to neighbouring privacy or amenity and it would provide a good standard of amenity for future occupants.
- 5.11 **Section 106 Planning Obligation matters**

Summary

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.

<b>Service Area that requires planning obligation</b>	<b>Purpose of planning obligation</b>	<b>Planning obligation initially sought by Planning Authority</b>	<b>Summary Heads of Terms agreed by applicant(s)</b>	<b>Viability Issues?</b>
Regeneration Investment and Housing	Commutated contribution of £3212 for affordable	N/A	Full Heads of Terms agreed	No

	housing provision based on a 40% target			
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5.12 Heads of Terms Agreed by Applicant

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

**6. OTHER CONSIDERATIONS**

**6.1 *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.

**6.2 *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.

**6.3 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.

**6.4** 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.

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

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

**6.6 *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.

**7. CONCLUSION**

**7.1** The proposals represent an unsustainable form of development in the countryside. The development would be visually detrimental to the rural character of the area and set an undesirable precedent for more dwellings in this area. No justification has been provided to mitigate for these concerns.

7.2 The application is refused.

## 8. RECOMMENDATION

### REFUSED

01 The site lies within a rural area with a lack of local amenities and limited public transport links and the proposal constitutes an undesirable expansion of built development harmful to the rural character and appearance of the area without agricultural or forestry justification. It will set an undesirable precedent for additional residential development in this countryside location to the detriment of its pleasant visual amenity. The development is contrary to Policies SP1 and SP5 of the Local Development Plan, 2011-2026 (Adopted January 2015) and Planning Policy Wales Edition 9 (November 2016).

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: R345-01, R345-02, R345-03, R345-04.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP5, GP2, GP4, GP5, GP6, GP7, SP9, SP13, H4 and H6 were relevant to the determination of this application.

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

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4.

**APPLICATION DETAILS**

**No:** 18/0749      **Ward:** SHAFTESBURY  
**Type:** FULL  
**Expiry Date:** 08-NOV-2018  
**Applicant:** GARETH DRAPER, NEWPORT CITY COUNCIL  
**Site:** 74 , BLAEN-Y-PANT CRESCENT, NEWPORT, NP20 5PX  
**Proposal:** CHANGE OF USE OF BUILDING FROM ANCILLARY STAFF ACCOMMODATION IN CONJUNCTION WITH CARE HOME (C2) TO TRAINING FACILITY (D1)

**Recommendation: Granted with Conditions**

**1. INTRODUCTION**

- 1.1 This application seeks retrospective planning permission for the change of use of building from ancillary staff accommodation to a training facility at 74 Blaen-y-Pant Crescent. The Education department of the Council has advised that due to a requirement to vacate pupils from the Ty Du Centre in Rogerstone, the use of the building has commenced in advance of the determination of this application.
- 1.2 The building has been previously used for ancillary staff accommodation in conjunction with the adjacent care home.
- 1.3 Only internal refurbishment is proposed and no external works are proposed as part of the application although the applicant advises that a subsequent application for fencing is to be submitted if planning permission is forthcoming.
- 1.4 The application is reported to Planning Committee as the building is in Council ownership.

**2. RELEVANT SITE HISTORY**

90/0603	CHANGE OF USE OF STAFF BUNGALOW TO USE AS OFFICES FOR SOCIAL SERVICES INSPECTORATE	No Objections
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**3. POLICY CONTEXT**

- 3.1 **Newport Local Development Plan 2011 – 2026**  
*Policy SP1 Sustainability favours proposals which make a positive contribution to sustainable development.*  
*Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.*  
*Policy GP4 General Development Principles – Highways and Accessibility states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.*

*Policy 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.*

#### **4. CONSULTATIONS**

4.1 DWR CYMRU – WELSH WATER: No objection.

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

5.1 HEAD OF LAW AND REGULATION (NOISE) OR (POLLUTION): No objection.

5.2 HEAD OF CITY SERVICES (HIGHWAYS): Confirms the change of use is acceptable and no objections are offered.

#### **6. REPRESENTATIONS**

6.1 NEIGHBOURS: All properties with a common boundary and opposite the application site were consulted (8no properties) and a site notice displayed. Comments have been received from a neighbouring occupant raising concerns about where the children using the facility will take breaks and if outside whether they will be supervised as this could potentially result in increased noise and disturbance to neighbours. Also, whether works to the trees near to the common boundary are proposed and the location and style of the fencing. Concerns that work has already commenced and potential impact on property value are also raised.

#### **7. ASSESSMENT**

7.1 The building would be utilised as a small educational facility providing support for up to 10 vulnerable pupils aged between 10 to 16 years of age. Pupils attending the facility will generally have anxiety issues and will have been identified as potentially benefitting from attending a smaller 'homely' setting prior to transitioning into main stream education. The layout of the facility would include two teaching rooms, a dining room, office, kitchen and toilets. The intended opening hours of the facility are 8am to 5pm.

7.2 The bungalow is set within the grounds of a Council owned care facility in a predominantly residential area. The building is set back from the highway by approximately 8m. The site is bounded by residential properties to the east and to the south with the neighbouring property to the south 10m away and to the east in excess of 32m.

7.3 Staff car parking will be accommodated within the existing car parking area associated with the residential home, as was previously the case with the social services office staff. The applicant advises that pupils will attend the facility from all over the City and consequently pupils will be transported to the site either via a mini bus or taxi. The Head of City Services (Highways) confirms the proposals are acceptable and no objections are offered.

7.4 As noted above, comments have been received from a neighbouring resident concerned about potential noise and disturbance as a result of children taking breaks outside the building. The comments are duly noted and in response to the concerns the applicant advises that children would be supervised by staff members at all times if they take breaks outside and would not be left un-supervised outside. Furthermore, outside activities would not be recommended until fencing is erected which is to applied for at a later date should planning permission be forthcoming. The trees at the site are not protected by preservation orders and works could be carried out to them at any time without requiring consent. However, the applicant advises that there are no plans to carry out works or fell the trees.

7.5 As noted above, no external works are proposed as part of the application. Refurbishment works are already taking place but these works do not require planning permission. It should be noted that potential impact to property value is not a material planning consideration.

7.6 Given the fallback use of the building in association with the existing care home a degree of noise and disturbance is to be expected from the comings and goings of staff and residents and given



the intended level of supervision it is not considered that the proposed use would result in a demonstrably greater impact than the former use. It is felt that a condition restricting hours of use to between 8am to 5pm Monday to Friday as proposed by the applicant is warranted.

## **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 It is not considered that the proposals would result in an adverse highways impact and subject to suitable conditions it is not considered that the proposals would result in a detrimental impact to neighbouring amenity.**

- 9.2 The proposed use is considered to be acceptable and 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: NRS-DR-A-(00)-020 Revision P3.

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 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 as a D1 Training Facility and for no other purpose including purposes falling within Class D1 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 and in the interests of neighbouring amenity and highway safety.

03 The facility hereby approved shall only be used between the hours of 8am to 5pm Monday to Friday. Outside of these hours the premises shall be vacated and closed to the public.

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

#### *NOTE TO APPLICANT*

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, GP2, GP4, GP6 and GP7 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.

**APPLICATION DETAILS**

**No:** 18/0833      **Ward:** MALPAS

**Type:** FULL

**Expiry Date:** 09-NOV-2018

**Applicant:** ESTHER MAGUIRE, NEWPORT CITY COUNCIL

**Site:** WESTFIELD MALPAS CHANGING ROOMS, DARWIN DRIVE, NEWPORT

**Proposal:** ERECTION OF 2.4 METRE HIGH STEEL PALISADE FENCING WITH SINGLE LEAF GATE AROUND WESTFIELD FOOTBALL CLUB HOUSE AND CONSTRUCTION OF A NEW TARMAC PATH

**Recommendation:** GRANTED WITH CONDITIONS

**1. INTRODUCTION**

1.1 This application seeks planning permission for the erection of 2.4m high steel palisade fencing with a gate around Westfield Football Club House changing rooms and the construction of a new tarmac path.

**2. RELEVANT SITE HISTORY**

13/0342	PRIOR NOTIFICATION FOR THE DEMOLITION OF PRE-FABRICATED CHANGING ROOM BUILDING	APP NOT REQUIRED
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**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 WELSH WATER (DWR CYMRU): We would like to make the developer aware that a 24 inch public sewer is located near the development site and proposed fence. We would request the developer to exercise caution when undertaking works at the site and if there are any concerns, we recommend they contact us on 0800 917 2652.

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

- 5.1 None.

#### **6. REPRESENTATIONS**

- 6.1 NEIGHBOURS: All neighbours with a common boundary were consulted (6no. properties) and no comments were received. A site notice was displayed at the site.

#### **7. ASSESSMENT**

- 7.1 The proposal seeks to erect 2.4m high steel pallisade fencing coloured green around the outside of the changing room building. The fencing will go round the entirety of the building with a single pedestrian gate to the front. The fenced off area will measure a depth of 9.2m and a width of 11.2m. The proposal also seeks to construct a new tarmac path from the side of the building round to the front gate.

- 7.2 The Westfield Malpas Changing Rooms are located within a playing field on Darwin Drive. In terms of amenity, the changing rooms are located at least 20m away from the nearest neighbouring property. Due to the location of the fencing, it is considered that there would not be a harmful impact in terms of loss of light, privacy or an overbearing impact due to the distance from neighbouring properties. It is considered that the steel pallisade fencing would be a harsh addition to the area. It was therefore suggested that paladin fencing coloured green would be more acceptable. However, the applicant advised that pallisade fencing was proposed in order to provide the changing rooms with the utmost security as they are often getting vandalised. Therefore, this fencing is necessary to protect the building from further vandalism. It has been agreed that the pallisade fencing will be painted green in order to soften its appearance. It is not considered that there will be a detrimental effect to the visual amenities of nearby occupiers and will not result in a harmful impact on the appearance of the wider streetscene. It is considered that by reasons of its design, scale and location the proposed fencing and tarmac path is acceptable and 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: Proposed Fencing Works W\_02, Construction Detail W-04 and Construction Details W-03.

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 The fencing hereby approved shall be painted green on completion and be retained thereafter.

Reason: In the interests of visual amenity.

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: Proposed Fencing Works W\_02, Planning Boundary W\_02Rev A, Construction Detail W-04 and Construction Details W-03.

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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# Report

## Planning Committee

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### Part 1

Date: 7 November 2018

Item No: 5

**Subject** **Appeal Decisions**

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

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

**Wards** Gaer, Pillgwenlly and Rogerstone

**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: 7<sup>th</sup> November 2018

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**Planning Application Appeal**

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Reference	17/1144
Address	20 Melfort Road, Newport, NP20 3FP
Development	Retention of subdivision of dwelling and conversion of garage to create a 1 No. bedroom dwelling
Appellant	Mrs Anastasia Dimitrakopoulou
Delegated Decision	Refuse
Committee Decision	N/A
Appeal Decision	Dismissed

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**Planning Application Appeal**

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Reference	18/0241
Address	2 Barnstaple Court, Newport, NP20 2FU
Development	Retention of shed and associated alterations to ground levels to rear garden
Appellant	Mr & Mrs Ahmed
Delegated Decision	Refuse
Committee Decision	N/A
Appeal Decision	Dismissed

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**Planning Application Appeal**

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Reference	18/0262
Address	Pie Corner Fish Bar, High Cross Lane
Development	Variation of Condition 01 (opening hours) of planning permission 12/0511 for variation of Condition 01 (opening hours) of planning permission 11/0701 for change of use of former pharmacy to a traditional fish and chip shop. Variation seeks to allow Sunday and Bank Holiday opening hours between 12:00 and 21:00 hours
Appellant	Ms Beatrix Hughes
Officer Recommendation	Approved
Committee Decision	Refused
Appeal Decision	Allowed
Costs Decision	Award for costs dismissed.

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