

Agenda



Planning Committee

Date: Wednesday, 6 March 2019

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, J Jordan, C Townsend, R White and T Holyoake

WEBCASTING NOTICE

This meeting may be filmed for live or subsequent broadcast via the Council's internet site.

At the start of the meeting the Mayor or Person Presiding will confirm if all or part of the meeting is being filmed. The images and sound recording may be also used for training purposes within the Council.

Generally the public seating areas are not filmed. However by entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

If you have any queries regarding this, please contact the Chief Democratic Services Officer.

NB: Please click on the link to view [the Planning Code of Practice](#):-

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

Part 1

Item	Wards Affected
1. <u>Agenda yn Gymraeg</u> (Pages 3 - 4)	
2. <u>Apologies for Absence</u>	
3. <u>Declarations of Interest</u>	
4. <u>Minutes of the meeting held on 6 February 2019</u> (Pages 5 - 10)	
5. <u>Development Management: Planning Application Schedule</u> (Pages 11 - 208)	
6. <u>Appeal Decisions</u> (Pages 209 - 214)	

Contact: Lisa Davies, Governance Officer :

Tel: 01633 656656

E-mail: democratic.services@newport.gov.uk

Date of Issue: Wednesday, 27 February 2019

Agenda



Pwyllgor Cynllunio

Dyddiad: Dydd Mercher, 6 Mawrth 2019

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, Holyoake, 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](#)

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

Wardiau dan Sylw

1. [Agenda yn Gymraeg](#)
2. [Ymddiheuriadau dros Absenoldeb](#)
3. [Datganiadau Diddordeb](#)
4. [Cofnodion y cyfarfod 6 Chwefror 2019](#)
5. [Rheoli Datblygu: Rhaglen Ceisiadau Cynllunio](#)
6. [Penderfyniadau Apeliadau](#)

This page is intentionally left blank

Minutes



Planning Committee

Date: 6 February 2019

Time: 10.00 am

Present: Councillors J Richards (Chair), J Guy (Deputy Chair), M Al-Nuaimi, J Clarke, V Dudley, D Fouweather, C Townsend, R White and T Holyoake

In Attendance: Joanne Evans (Senior Solicitor), Tracey Brooks (Development and Regeneration Manager), Stephen John Williams (West Area Planning Manager), Joanne Davidson (East Area Development Manager), Lisa Davies (Governance Officer), Neil Barnett (Governance Officer), Sally Davies (Strategy & Development Manager), Eilian Jones (Principal Planning Officer) and Matthew McEwan (Senior Traffic Transport & Development Officer)

Apologies: Councillors G Berry and J Jordan

1. Apologies for Absence

Councillors J Jordan, G Berry.

2. Declarations of Interest

None

3. Minutes of the meeting held on 9 January 2019

The minutes of the meeting held on 9 January 2019 were submitted.

Resolved

That the minutes of the meeting held on 9 January 2019 be taken as read and confirmed.

4. Development Management: Planning Application Schedule

During the Planning Committee Meeting the following Councillors left the meeting early.
Councillor Carmel Townsend 12:10
Councillor Miqdad Al-Nuaimi 13:08

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.

5. **Appeal Decisions**

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

It was noted that there was an error in the appeal report at York Place. The appeal was allowed not dismissed.

The meeting terminated at 13:50

Appendix A

PLANNING COMMITTEE – 6 February 2019

DECISION SCHEDULE

Application Number	Site/Proposal	Ward	Additional Comments	Decision
18/0837	<p>Site: 5 Glanwern Rise</p> <p>Proposal: Single storey rear extension and new retaining wall and engineering works to create level area to rear of house</p>	Alway	<p>Mrs Pavitt – Spoke objecting to the application</p> <p>Development & Regeneration Manager – Read out a statement from Councillor D Harvey Ward Member, Objecting to the application.</p>	Application Deferred until report received from Building Control
18/0862	<p>Site: Glan Llyn, Former Llanwern Steelworks</p> <p>Proposal: Proposed modification of planning obligation under section 106a of the act</p> <p>Main considerations: Impact on affordable housing provision and other infrastructure payments/provision</p>	Llanwern	Mr T Gent – Agent spoke on the application	Committee agreed the S106 legal agreement that forms part of permission 06/0471 should be amended as reported with delegated authority given to officers to finalise the details of the proposed review mechanism
18/1090	<p>Site 14 Lily Way, Rogerstone, Newport</p> <p>Proposal: Proposed two storey infill extension to side of dwelling and first floor extension over garage to create garage/gym on ground floor/study room on first floor</p>	Rogerstone	Mr T Morgan – Agent spoke on the application	Granted with conditions

Application Number	Site/Proposal	Ward	Additional Comments	Decision
18/0919	<p>Site: 58, Caerau Road, Newport</p> <p>Proposal: Change of use and conversion from offices to 6no. flats and associated parking</p>	Allt-yr-yn	Additional informative note to encourage the developer to install noise insulation on the entire party wall with the adjoining property	Granted with conditions and s106 legal agreement
18/0399	<p>Site: Land to North East Of Unit 8, 28 East Retail Park, Docks Way, Newport</p> <p>Proposal: Proposed regrading of land to accommodate an extension of class B8 storage yard to accommodate self-storage containers (areas a & f), boundary treatments, and associated engineering operations on adjoining land including storage of excavated soil based material together with ancillary works</p>	Pillgwenlly	<p>Members were made aware of late representations previously circulated.</p> <p>Condition 4 & 12 amended as per the late representation.</p> <p>Condition 7 amended to include the wording 'retained'</p>	Granted with conditions
18/0912	<p>Site: 27 Portskewett Street</p> <p>Proposal: Conversion of dwelling house to 4no.bedroom house in multiple occupation</p>	Lliswerry	<p>Mr B Wooley - Applicant spoke on the application</p> <p>Councillor R Jeavons - Ward Member spoke on the application</p> <p>Additional note added relating to noise insulation requirements on party wall</p>	Granted with conditions

Application Number	Site/Proposal	Ward	Additional Comments	Decision
18/0973	<p>Site: Land and property formerly known as Robert Price Transport Yard, Corporation Road</p> <p>Proposal: Outline application for mixed use development comprising C2 residential institutions and c3 residential and drive thru coffee shop (A1/A3) along with associated infrastructure and facilities</p>	Lliswerry	<p>Members were made aware of late representations previously circulated.</p> <p>Mr N Phillips – Applicant spoke on the application</p> <p>A landscape management plan required to ensure no adverse impact on protected species.</p>	Granted with conditions and s106 legal agreement
18/1069	<p>Site: 282 Ringland Circle</p> <p>Demolition of existing library building with external alterations to existing community building to create multi-use hub facility</p>	Ringland		Granted with conditions
18/01116	<p>Site: Land encompassing 40 to 78 Caesar Crescent</p> <p>Installation of external wall insulation. Renewal of roof covering including replacement soffits, fascias & rainwater goods, removal of chimneys.</p> <p>Main considerations: Design</p> <p>Recommendation: Granted with conditions</p>	Caerleon	CMP to be added	Granted with conditions

Application Number	Site/Proposal	Ward	Additional Comments	Decision
18/0967	<p>Site: Land to rear of and including 1 and 3 Llanthewy Road, Newport</p> <p>Partial discharge of conditions 4, 5, 8 and 9 of permission 14/0022, conditions 2, 4, 8 and 9 of permission 17/0960 and conditions 2, 4, 8, 9, 14 and 15 of permission 17/1081 (residential development)</p>	Allt-yr-yn		Granted with conditions

Report

Planning Committee

Part 1

Date: 6th March 2019

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

Signed

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.

Risks

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

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

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

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

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

Risk	Impact of risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect?	Who is responsible for dealing with the risk?
Decisions challenged at appeal and costs awarded against the Council.	M	L	Ensure reasons for refusal can be defended at appeal.	Planning Committee
			Ensure planning conditions imposed meet the tests set out in Circular 016/2014.	Planning Committee
			Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.	Development 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 10 (December 2018)
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: 1 **18/0433** **Ward: LLANWERN**

Type: **DISCHARGE CONDITIONS**

Expiry Date: **04-JUL-2018**

Applicant: **ST MODWEN DEVELOPMENTS LTD**

Site: **LLANWERN WORKS, QUEENSWAY, LLANWERN, NEWPORT, NP19 4QZ**

Proposal: **PARTIAL DISCHARGE OF CONDITION 04 (SUB-AREA MASTERPLAN) OF PLANNING PERMISSION 06/0471 FOR THE MIXED USE REDEVELOPMENT OF THE SITE RELATING TO THE WESTERN HOUSING AREAS**

Recommendation: Approved

1. INTRODUCTION

- 1.1 This application is to re-discharge the masterplan for the western end of the Glan Llyn Regeneration Site (former Llanwern Steelworks). Condition 04 of permission 06/0471 requires that the site is masterplanned prior to the submission of reserved matters applications and condition 02 of that permission requires that the masterplans be in accordance with the approved Development Framework and Indicative Masterplan.
- 1.2 The condition has been approved for the western subarea of the site under application 10/0750. This application relates to the western subarea and parts of the central section of the site. The submitted masterplan shows departure from the Indicative Masterplan primarily in relation to the area of the central lake which will be reduced from 4.2Ha in size to approximately 0.6Ha and the omission of the associated Leisure Hub which was to cover 1.4Ha.
- 1.3 The application was called to Committee by Councillor Kellaway due to concerns over the loss of amenity caused by the reduction in the scale of the lakes and the changes in flood storage capacity.

2. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
06/0471	REDEVELOPMENT OF SITE TO CREATE A MIXED USE URBAN EXTENSION COMPRISING: A RANGE OF NEW HOMES (APARTMENTS, HOUSES AND SOME SHELTERED ACCOMMODATION FOR THE ELDERLY - USE CLASSES C2&C3); NEW OFFICES, WORKSHOPS, FACTORIES AND WAREHOUSES (USE CLASSES B1, B2&B8); COMMUNITY FACILITIES INCLUDING NEW SCHOOLS AND COMMUNITY CENTRES (USE CLASSES D1&D2); A LOCAL CENTRE INCORPORATING SHOPS, OFFICES AND COMMERCIAL LEISURE FACILITIES INCLUDING NEW BARS, CAFES AND LICENSED PREMISES (USE CLASSES A1, A2, A3&D2); A NETWORK OF OPEN SPACES INCLUDING PARKLAND, FOOTPATHS, SPORTS PITCHES AND AREAS FOR INFORMAL RECREATION; NEW ROADS, ACCESSES AND PATHS; HEALTHCARE AND FITNESS FACILITIES (USE CLASSES D1&D2); PROVISION FOR A NEW RAILWAY HALT/STATION; OTHER ANCILLARY USES AND ACTIVITIES; AND REQUIRING: SITE CLEARANCE, TREATMENT AND PREPARATION; THE INSTALLATION OF NEW SERVICES AND INFRASTRUCTURE; THE	GC 01 April 2010

	CREATION OF NEW WATER BODIES AND DRAINAGE CHANNELS; IMPROVEMENTS/WORKS TO THE HIGHWAYS NETWORK AND OTHER ANCILLARY WORKS AND ACTIVITIES	
10/0750	PARTIAL DISCHARGE OF CONDITION 4 (SUB AREA MASTERPLAN) RELATING TO PHASE 1 AND PHASE 2 OF PLANNING PERMISSION 06/0471 FOR REDEVELOPMENT OF SITE TO CREATE A MIXED USE URBAN EXTENSION	A 11 November 2010
14/0614	PARTIAL DISCHARGE OF CONDITION 04 (SUB-AREA MASTER PLANNING) OF PLANNING PERMISSION 06/0471 FOR A MIXED USE URBAN EXTENSION ON LAND FORMERLY COMPRISING PART OF THE LLANWERN STEELWORKS (GLAN LLYN REGENERATION AREA) IN RELATION TO THE LOCAL CENTRE ONLY	A 13 August 2014
14/1124	DISCHARGE OF CONDITION 04 (SUB AREA MASTERPLAN) OF PLANNING PERMISSION 06/0471 FOR A MIXED USE REDEVELOPMENT OF THE FORMER LLANWERN STEELWORKS (GLAN LLYN) IN RELATION TO THE EMPLOYMENT (EASTERN) SUB-AREA	A 05 January 2015
15/0665	REDISCHARGE OF CONDITION 04 (SUB AREA MASTERPLAN) OF PERMISSION 06/0471 FOR A MIXED USE URBAN EXTENSION ON THE FORMER LLANWERN STEELWORKS (GLAN LLYN) IN RELATION TO THE WESTERN SUB AREA	R 11 February 2016
18/1188	PARTIAL DISCHARGE OF CONDITION 4 (SUB AREA MASTERPLAN) OF PLANNING PERMISSION 06/0471 FOR REDEVELOPMENT OF FORMER LLANWERN STEELWORKS IN RELATION TO THE LOCAL CENTRE	Undetermined

3. POLICY CONTEXT

3.1 The following Policies of the adopted Newport Local Development Plan (2011-2026) are considered relevant:

SP1 – Sustainability
 SP2 – Health
 SP3 – Flood Risk
 SP11 – Eastern Expansion Area
 SP12 – Community Facilities
 SP17 – Employment Land
 SP18 – Urban Regeneration
 GP1 – Climate Change
 GP2 – General Amenity
 GP3 – Service Infrastructure
 GP4 – Highways & Accessibility
 GP5 – Natural Environment
 GP6 – Quality of Design
 GP7 – Environmental Protection & Public Health
 CE1 – Routeways, Corridors & Gateways

T4 - Parking
 T5 – Walking & Cycling
 T6 – Public Rights of Way Improvement
 R8 – Small Scale Retail Proposals
 CF2 – Outdoor Play Space Requirements
 CF3 – Water Based Recreation
 CF13 – School Sites
 W3 – Provision for Waste Management Facilities in Development

CE3 – Environmental Spaces & Corridors

CE9 – Coastal Zone

H2 – Housing Standards

H3 – Housing Mix & Density

EM1 - Employment Land Allocations

T1 – Railways

T2 – Heavy Commercial Vehicle Movements

T3 – Road Hierarchy

3.2 Adopted Supplementary Planning Guidance :

- Parking Standards
- New Dwellings
- Outdoor Play Space Provision
- Wildlife & Development

3.3 Planning Policy Wales (Edition 10) offers the following advice:

Character

Paragraph 3.9: The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

Paragraph 3.13: Existing infrastructure must be utilised and maximised, wherever possible. Where new infrastructure is necessary to mitigate transport impacts of a development and to maximise accessibility by sustainable non-car modes, it should be integrated within the development layout and beyond the boundary, as appropriate. This could include works to connect cycle routes within a site to a wider strategic cycling network or provision of bus priority measures on highway corridors serving a new development.

Paragraph 3.16: Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence. In the event of an appeal, in these circumstances, the Planning Inspectorate will need to examine the issues in detail and consider if the proposal meets the objectives of good design including the relationship between the site and its surroundings.

New Settlements

Paragraph 3.49: Due to their strategic nature new settlements should only be proposed as part of a joint LDP, an SDP or the NDF. This is due to their significance and impacts extending beyond a single local authority.

Paragraph 3.50: New settlements should only be proposed where such development would offer significant environmental, social, cultural and economic advantages over the further expansion or regeneration of existing settlements and the potential delivery of a large number of homes is supported by all the facilities, jobs and services that people need in order to create a Sustainable Place. They need to be self-contained and not dormitory towns for overspill from larger urban areas and, before occupation, should be linked to high frequency public transport and include essential social infrastructure including primary and secondary schools, health care provision, retail and employment opportunities. This is necessary to ensure new settlements are not isolated housing estates which require car based travel to access every day facilities.

Previously Developed Land

Paragraph 3.51: Previously developed (also referred to as brownfield) land (see definition overleaf) should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development. This may be, for example, because of its unsustainable location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health. There may be instances where it may not be possible to develop sensitive uses on previously developed land without placing unnecessary constraints on adjacent existing businesses and activities which require that particular location. In such circumstances the agent of change principle will be a relevant consideration.

Paragraph 3.52: Planning authorities should work with landowners to ensure that suitably located previously developed sites are brought forward for development and to secure a coherent approach to their development. To incentivise the appropriate re-use of previously developed land, planning authorities should take a lead by considering and identifying the specific interventions from the public and/or private sector necessary to assist in its delivery. This will normally support regeneration initiatives and land allocations in development plans and will include the need to raise awareness of risks as part of an effective de-risking strategy. This approach will inform the development of appropriate risk assessments and remediation strategies at the application level intended to safeguard new developments from the health and environmental risks arising from past land uses, such as contamination, old mine workings or former landfill sites.

Active and Social Streets

Paragraph 4.1.18: Well-designed, people orientated streets are fundamental to creating sustainable places and increasing walking, cycling and use of public transport. New development should improve the quality of place and create safe, social, attractive streets where people want to walk, cycle and enjoy, and children can play.

Paragraph 4.1.19: The design and layout of streets must give a high priority to their role as public spaces and meeting the needs of pedestrians, cyclists and public transport users, reflecting the principles of the sustainable transport hierarchy. To create streets that are social places, the public realm needs to be safe and attractive and the street designed for low speeds.

Paragraph 4.1.20: Well integrated green infrastructure, such as SUDS, street trees and verges, not only create a pleasant environment but can also achieve a range of other benefits, including pollutant filtering, urban cooling, water management and habitat creation. Such features should be included as part of a well-designed street layout.

Paragraph 4.1.21: The Welsh Government policy, Manual for Streets and its companion guide Manual for Streets 2, requires that street design should not follow the conventional engineering-led approach. The design of new or enhanced streets should respond to urban design principles, including those in Manual for Streets and the Active Travel Design Guidance, and not adhere to rigid standards. Design Bulletin 32: Residential Roads and Footpaths has been superseded by Manual for Streets.

Paragraph 4.1.22: Planning authorities must ensure the design of streets contributes to the creation of high-quality places, which will require a multi-disciplinary approach, and should challenge development proposals with standardised, prescriptive, engineering-focussed, risk-adverse street designs.

Paragraph 4.1.23: In residential areas, Home Zones are a way in which streets can be designed to slow vehicular traffic speeds down and give priority to people over motorised uses. Local authorities should consider using powers available under the Transport Act 2000 to designate Home Zones.

Paragraph 4.1.24: Design and Access Statements should demonstrate how the design of new or enhanced streets has responded to urban design principles, including the guidance in Manual for Streets and the Active Travel Design Guidance.

Active Travel

Paragraph 4.1.25: Walking and cycling are good for our health and well-being. They support valuable social and recreational opportunities and are integral to placemaking, creating life and activity in public places and providing the opportunity to meet people. Sustainable places invite people to walk and cycle as part of their everyday routine.

Paragraph 4.1.26: The Active Travel (Wales) Act 2013 makes walking and cycling the preferred option for shorter journeys, particularly everyday journeys, such as to and from a workplace or education establishment, or in order to access health, leisure or other services or facilities. The Active Travel Act requires local authorities to produce Integrated Network Maps, identifying the walking and cycling routes required to create fully integrated networks for walking and cycling to access work, education, services and facilities.

Paragraph 4.1.27: The Active Travel Act is complemented by statutory Design Guidance. The guidance sets out the standards expected of new and improved active travel infrastructure in Wales, including related facilities, and the considerations to be taken into account when choosing the design solutions for particular routes and sites. It also sets out effective approaches to planning walking and cycling networks and includes audit tools to assess existing infrastructure and future routes for their suitability.

Paragraph 4.1.28: The planning system has an important role to play in promoting and supporting the delivery of the Active Travel Act and creating the right environments and infrastructure to make it easier for people to walk and cycle, including new and improved routes and related facilities.

Paragraph 4.1.29: New development places additional demand on transport infrastructure and networks, with the location, layout and design of development affecting the distance and way in which people travel. Developing local active travel networks can help to mitigate the impact of new development, by providing an alternative mode of travel to the private car, particularly for shorter journeys. Provision for active travel must be an essential component of development schemes and planning authorities must ensure new developments are designed and integrated with existing settlements and networks, in a way which makes active travel a practical, safe and attractive choice.

Paragraph 4.1.30: Planning authorities must support active travel by ensuring new development is fully accessible by walking and cycling. The aim should be to create walkable neighbourhoods, where a range of facilities are within walking distance of most residents, and the streets are safe, comfortable and enjoyable to walk and cycle.

Paragraph 4.1.31: Planning authorities must ensure new housing, jobs, shopping, leisure and services are highly accessible by walking and cycling. The design of development proposals should, in accordance with the sustainable transport hierarchy, start with identifying the shortest, most attractive walking and cycling connections and then addressing the other transport needs. Further guidance on this is contained within Manual for Streets and the Active Travel Design Guidance.

Paragraph 4.1.37: Planning authorities must ensure the layout, density and mix of uses of new development support the use of public transport and maximises accessibility potential. In particular, higher densities and mixed-use development should be encouraged in areas highly accessible by public transport. In these circumstances, the implications of airborne pollution will need careful consideration including the need to meet decarbonisation targets.

Paragraph 4.1.44: Planning authorities must seek to reduce the level and speed of traffic in new development. This should, in the first instance, be achieved through good street design, such as through the layout of buildings and spaces, before considering more traditional traffic calming measures.

Paragraph 4.1.45: Manual for Streets and the Active Travel Design Guidance provide advice on reducing the speed and volume of motor vehicles. This includes creating connected and permeable road networks, with filtered permeability to prioritise walking and cycling, and careful consideration of issues such as street layout and dimensions, and the design and location of footways (including use of continuous footways at side streets), crossings, parking, trees, planters and surface materials.

Paragraph 4.1.46: Local authorities must adopt an integrated approach to traffic management. They should consider how different measures can complement one another and contribute to the achievement of wider planning and transport objectives, implementing the Active Travel Act and reducing exposure to air and noise pollution, taking into account the needs of the disabled and less mobile sections of the community.

Car Parking

Paragraph 4.1.50: Car parking provision is a major influence on how people choose to travel and the pattern of development. Where and how cars are parked can in turn be a major factor in the quality of a place.

Paragraph 4.1.51: A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.

Paragraph 4.1.52: Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. Car parking should be overlooked by surrounding properties, to provide natural surveillance.

Community Facilities

Paragraph 4.4.1: Community facilities perform various functions which cover a broad range of activities and services that can be delivered by the public, private and third sectors. Community facilities contribute to a sense of place which is important to the health, well-being and amenity of local communities and their existence is often a key element in creating viable and sustainable places. They can include schools, cultural facilities, health services, libraries, allotments and places of worship.

Recreational Spaces

Paragraph 4.5.1: Recreational spaces are vital for our health, well-being, amenity and can contribute to an area's green infrastructure. They provide a place for play, sport, healthy physical activity and a place to relax often in the presence of nature, and they contribute to our quality of life. Networks of high quality, accessible green spaces and recreation spaces will also promote nature conservation, biodiversity and provide enjoyable opportunities for residents and visitors to participate in a wide range of physical activities. These activities are important for the well-being of children and adults and for the social, environmental, cultural and economic life of Wales.

Paragraph 4.5.2: Planning authorities should provide a framework for well-located, good quality sport, recreational and leisure facilities, and develop clear policies for the provision, protection and enhancement of sport, recreation and leisure facilities. These policies should set standards of provision, so that local deficiencies can be identified and met through the planning process, and set out policies to avoid or resolve conflict between different activities.

Transportation Infrastructure

Paragraph 5.3.1: The provision of sustainable transport infrastructure is essential in order to build prosperity, tackle climate change, reduce airborne pollution and to improve the social, economic, environmental and cultural well-being of Wales. The planning system should facilitate the delivery, decarbonisation and improvement of transport infrastructure in a way which reduces the need to travel, particularly by private vehicles, and facilitates and increases the use of active and sustainable transport.

Paragraph 5.3.2: Planning authorities should support necessary transport infrastructure improvements, where it can be demonstrated that such measures are consistent with Welsh Government policy to encourage and increase use of sustainable transport and reduce reliance on the private car for daily journeys. Transport infrastructure should not generate significant demand for additional car movements or contribute to urban sprawl or neighbourhood severance. The planning and design of transport infrastructure must consider the needs of users of active and sustainable transport before that of the private car, taking into account the sustainable transport hierarchy.

Public Transport

Paragraph 5.3.6: Planning authorities must promote and facilitate the provision and decarbonisation of high-quality public transport infrastructure. Development plans should identify and support appropriate public transport routes, measures and facilities. This should take into account proposals in the Local Transport Plan (LTP), which could include improved facilities for bus passengers, park and ride schemes, new rail lines, including light rail, the re-opening of rail lines, the provision of new stations, and enhanced passenger services on existing lines. Development plans should also identify where additional public transport is required to support new development.

Integrating Green Infrastructure and Development

Paragraph 6.2.4 Green infrastructure plays a fundamental role in shaping places and our sense of well-being, and are intrinsic to the quality of the spaces we live, work and play in. The planning system should protect and enhance green infrastructure assets and networks because of these multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision alongside the need to meet society's wider social and economic objectives and the needs of local communities. The multiple benefits that resilient ecosystems and green infrastructure offer to society, including the economic and social contribution they make to local areas, should be taken into account when balancing and improving these needs.

Paragraph 6.2.5 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the potential for conflicting objectives, and contributing towards health and well-being outcomes. There are multiple ways of incorporating green infrastructure, dependent on the needs and opportunities a site presents. Landscaping, green roofs, grass verges, sustainable urban drainage and gardens are examples of individual measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places.

Paragraph 6.4.24 The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.

Development and Flood Risk

Paragraph 6.6.22: Climate change is likely to increase the risk of flooding as a result of sea-level rises, increased storminess and more intense rainfall. Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers. Surface water flooding will affect choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating development proposals.

4. CONSULTATIONS

- 4.1 CYFOETH NATURIOL CYMRU / NATURAL RESOURCES WALES (CNC/NRW): No objection.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREETSCENE & CITY SERVICES (LANDSCAPING): raises concerns in relation to the following:
- The scale of the local widening of the propose reens should be confirmed.
 - Ellen's Reen; there is risk the watercourse could be over-engineered and the extent of any local widening should be confirmed. The proposed footway is too narrow and will be constrained between the hard edge of Ellen's Lake and proposed gardens. Opportunities for tree planting and public seating will be limited.
 - There is inadequate street planting
 - The reduction of Ellen's Lake reduces the amenity and ecological value of the site. The lost area now to be delivered as dry space will be given over to sports pitches which offer little ecological value or visual amenity. Street layout appears to have been formalised.

- Hippophae rhamnoides (Sea Buckthorn) is an invasive plant that should not be used since it is a pest species.

5.2 HEAD OF STREETSCENE & CITY SERVICES (HIGHWAYS): The geometry of the Avenue running from East to West has straightened leading to the risk of increased vehicle speeds, measures will therefore have to carefully designed to control vehicle speeds with consideration of the fact that it is a bus route.

I appreciate much of the document is a regurgitation of the previously approved Sub-Area Master Plan however I would raise a concern in regards to the use of Lanes with widths of 4.1-4.8m in section 4.3.7. In particular regarding the safety and inclusivity of pedestrians, especially those with cognitive and physical impairments. Individual schemes will be considered at reserved matters and appropriate audits as identified in Manual for Streets will have to be undertaken. In addition all shared schemes should undertake consultations with disabled user groups as appropriate.

Section 4.3.8 references Homezones however it should be noted that the Homezone legislation has not been enacted in Wales. Individual schemes where no dedicated pedestrian footways are provided will be considered as shared surfaces. See comments above in respect of shared surfaces.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

Since the application was for the discharge of a planning condition no properties were consulted and no site notice was displayed. No consultation is required under statute or under the Council's locally adopted consultation policy for applications relating to the discharge of a planning condition.

Forty-four objections were received in total. Following submission of a revised sub-area masterplan the persons who had commented on the first plan were consulted in relation to the second plan since they had expressed an interest in the first plan iteration.

The objections made raised the following points:

- Plots on the site were sold on the promise that lakes would be provided (Glan Llyn = Lake Shore).
- There will be less scope for ecological interests / ecological enhancement on the site.
- Without the promised amenities the development will not be a sustainable place.
- The lakes provide storage capacity for flood waters, their removal endangers the site in the future as the climate worsens.
- Recreational opportunities will be reduced if the lakes are omitted. There will be no scope for watersports.
- This is an attempt to squeeze more houses onto the site to the detriment of residents who were sold a vision of a sustainable new community with extensive lakes.
- Additional houses will add to traffic congestion of the EDR / Queensway Meadows roads.
- The proposal was to replicate the naturalistic drainage system of the levels when the site was redeveloped. This approach is undermined if the lakes are removed.
- Removal of the lakes means anyone wanting to participate in water based recreation will now have to travel, this is less sustainable.

- This is not a small change that might be reasonably anticipated by residents, it is major change in approach which residents that moved onto the first Phase of the site could not have reasonably expected.
- The removal of greenspace from the scheme will mean it doesn't comply with the adopted Local Development Plan.
- The Community Centre would be a valued facility and should not be removed from the scheme.
- The lake could have been an educational resource.
- Reduced facilities will pressurise the ones that have been provided, these are already under strain given use by people who do not live on the estate.
- The lake would have boosted health and well-being through active sports and the provision of a large and attractive green space for people to enjoy.
- The loss of the lake diminishes the quality of the overall scheme, it will be a worse place to live in.

6.2 LLANWERN COMMUNITY COUNCIL: Four separate responses making various comments and raising queries:

- What is the amount of Public Open Space and will this comply with the Council's adopted 'Play Space' Supplementary Planning Guidance.
- What will be the treatment of the houses in Phase 1 that were abandoned or never built?
- There is no representative from Newport City Council on the Management Company that runs the Glan Llyn estate as required by the Section 106 legal agreement that formed part of permission 06/0471.
- Is there adequate equipped play space? A site identified in the subarea masterplan as a Locally Equipped Area of Play is in fact a Local Area of Play (smaller and with less equipment).
- It is not clear from the sub-area masterplan (SAMP) that the national open space standard of 2.4Ha per 1000 population is being met under the plan.
- The open space is privately paid for but generally available to the public, how is this to be managed in the future.
- The surface water drainage from the site is currently via the private Tata system but will be switched to the Monks Ditch, does this have adequate capacity?
- Some blueways (reen corridors) and greenways (landscaped public access corridors) have been relocated / swapped?
- Ellen's Lake is to be reduced in size from 22 acres (approximately 9Ha) to a significantly lower area. This does not sit with the approved Development Framework from permission 06/0471 and the S106 legal agreement where the larger lake is confirmed.
- The proposed SAMP shows public art – none has been installed so far and the Management Company appears to have no interest in providing any art.
- No mention is made of Green Travel Plans or the Wellbeing of Future Generations (Wales) Act 2015. How does the SAMP support the aims of these documents?
- Is the north-south link across the South Wales mainline railway still to be provided?
- Is the bus service to be limited to the Avenue?
- Fishing within the 'fishing pools' is not allowed and they should not be labelled as fishing pools in the SAMP.
- Cyclists should not be encouraged to use roads that lack road markings and clear priority i.e. all roads on the site other than the Gateway & the Avenue which have been designed for higher vehicle speeds and designed accordingly.
- A community centre is still required and should be provided.
- It is not clear whether cricket pitches or tennis courts are to be provided in the Western Park.

- How do the proposed changes in the SAMP comply with locally adopted Policy?

7. ASSESSMENT

7.1 Preamble

- 7.1.1 Outline planning permission was granted for the redevelopment of the western end of the Llanwern Steelworks in 2010 as a mixed use development that would be primarily housing led. The permission was subject to an extensive suite of conditions and a Section 106 legal agreement. Condition 04 of that permission reads as follows:

(4) Prior to the submission of any reserved matters applications (unless otherwise agreed in writing by the Local Planning Authority in relation to specific advanced works) in respect of the relevant phase of the development as defined by Condition 03, a Sub-Area Masterplan for that phase (including development parcels and infrastructure) shall be submitted to and approved in writing by the Local Planning Authority. Each Sub-Area Masterplan shall accord with the parameters and objectives laid out in the Development Framework Rev.E (January 2007) and shall clearly indicate the works for (i) development parcels and (ii) infrastructure. Each Sub-Area Masterplan shall include, where appropriate to that phase or sub-area, the following details for each phase: (a) details of how the phase is broken down into development parcels; (b) in the case of phase 2 onwards a full and detailed design analysis of the built form of adjacent previous phases and their key characteristics; (c) a design approach for each development parcel which reflects and builds on these identified characteristics; (d) the approximate number of residential units within each development parcel and identification of development blocks with an indication of building heights; (e) the location of landmark buildings and key frontages; (f) approximate housing numbers, mix and density within each development parcel; (g) the approximate location, number and mix of affordable housing within each development parcel; (h) off-street parking arrangements; (i) landscaping and planting proposals and boundary treatments; (j) areas of public open space/recreation space within each development parcel (including the lakes), indicating their function and facilities to be provided and their location; (k) the hierarchy of access and circulation including roads, footpaths and cycleways and how these link with the surrounding area and previous phases; (l) sustainable development standards and measures to achieve such standards within each development parcel; (m) details of sustainable urban drainage systems/flood compensatory/mitigation works including lakes and drainage channels. All applications for reserved matters shall accord with the relevant Sub-Area Masterplan unless otherwise approved in writing by the Local Planning Authority.

Reason: *To ensure a coordinated approach to the detailed development of the site and to ensure a high quality design.*

- 7.1.2 Of additional relevance in this determination is condition 02 of permission 06/0471 which required the following:

(2) The development shall not take place other than in accordance with the principles, parameters and objectives of the Indicative Masterplan (drawing A011 Rev. F), the Development Framework Rev. F (January 2007), and the Sub-Area Masterplans for each phase of development as required to be approved under Condition 04.

Reason: *To clarify the scope of the outline planning permission and to ensure a comprehensive and coordinated development of the site.*

- 7.1.3 In essence the planning permission granted although in outline with all matters reserved, required that any subsequent development should be in broad accordance

with the approved Development Framework and the approved Indicative Masterplan that formed part of that outline permission.

- 7.1.4 The development was commenced at the western end of the site since this abutted the existing urban boundary and was remote from the retained works and was likely to be the least contaminated part of the site. Consequently it was the part of the site that was most straightforward to integrate into the established urban area being relatively more sustainably located than the eastern portion of the site. The applicant submitted a western sub-area masterplan (western SAMP) that was approved under application 10/0750 in November 2010 and this guided the early phases of housing development in the western part of the site. Separate SAMPs were approved for the proposed local centre, adjacent to the Llanwern Bull Public House and for the Celtic Business Park at the eastern end of the development site. It should be noted that the approved Western SAMP also contained a revised Indicative Masterplan which was approved alongside that SAMP and departs from the drawing submitted with the outline approval.
- 7.1.5 The proposed Western SAMP under consideration in this application includes additional areas to the east of the currently approved plan and amounts to more than a revision of the existing approval. Since the original Western SAMP was approved there have been significant changes in the policy environment including the adoption of the Newport Local Development Plan 2011-2026 and several versions of Planning Policy Wales, including Edition 10 (PPW10) which amounts to a major revision of existing national policy and has a strong emphasis on placemaking and sustainability which to a large extent it sees as the same thing; good places are sustainable places. Placemaking is a key element of PPW10 with advice on access to community facilities & employment, open space, sustainable travel networks and a new emphasis on roads as multi-user spaces with motor vehicles being the lowest priority user. Green Infrastructure is emphasised for its multiple benefits in terms of ecology, health & wellbeing, mitigation of environmental hazards (noise, air pollution, summer heat etc.) and visual amenity.

7.2 *Key Issues*

- 7.2.1 The key issues relevant to the determination of this application are:
- Conformity with the outline permission; the approved Development Framework, the Indicative Masterplan and the S106 legal agreement.
 - Adequacy of the highway arrangements in terms of hierarchy and placemaking.
 - Scope for green infrastructure including public open space.
 - Integration of the site into the wider urban environment and integration of the development parcels with each other.
 - Layout, density & design and their response to context.
 - Provision for active travel.
 - Availability of local services.
 - Provision for surface water storage.

7.3 *Conformity*

- 7.3.1 Condition 04 of permission 06/0471 requires conformity with the approved Development Framework and by means of condition 02 with the approved Indicative Masterplan. It therefore follows that these documents must accord with one another for the conditional regime to be coherent. These are high level documents that set out very loose strategic aims for the site.

- 7.3.2 The Development Framework sets out a series of character areas which would form the skeleton design for the site's redevelopment with greater detailing being achieved through the subarea masterplans and then the reserved matters submissions. The identified character areas were:

Zone	Name	Key Features
A	Northern Woods	Landscape buffer with mainline railway, informal public access
B	Southern Woods	Landscape buffer with the EDR, woodland planting, informal public access.
C	Wildlife Park	Landscape buffer with Newport Retail Park (Spytty), public access via limited footpath network.
D	Pools	Former fishing pools, landscaping to site gateway and public access via footpath network.
E	Sports Club & Bowling Green	Formal sports and potential links to Newport Retail Park and adjacent areas of the city.
F	Sports Park	Formal sports grounds and provision of a LEAP.
G	Avenue	Landscaped Gateway to the site from the EDR. Dual Carriageway and structural planting
H	Parkway	Road passing through the western park providing a Green Corridor
I	Boulevard	Main loop road through the site. Urban feel, street trees, active frontage, taller buildings
J	Lane	Link Road thorough the southern part of the site to tie in the Boulevard with the western part of the site. Suburban feel, squares & greens to act as focal points.
K	Greenways	Landscaped green corridors through the site to act as linear parks containing footpaths, cycleways and Local Areas of Play.
L	West Park Lake	A large park containing a lake – amenity and flood attenuation
M	Central Lake	A large water body – amenity, flood attenuation & water sports
N	East Lake Park	Ecological enhancement, flood attenuation, limited public access

In essence the vision was for a development providing large quantities of green space with significant water bodies to store potential flood waters with the site being in Zone C1 (defended flood plain). The ethos was one of site remediation, site raising and incorporation of low points to hold water. Many of the greenways would contain new drainage ditches and were subsequently called blueways to differentiate them from the greenways which would be green corridors but would not contain ditches. These landscaped areas had the functions of providing high visual amenity, scope for recreation including equipped play and formal sports, water management and ecological enhancement. They were a very significant part of the scheme and the basis for the subsequent marketing of the site as Glan Llyn.

- 7.3.3 The sub-area masterplan condition was initially discharged in part under approval 10/0750 in 2010. At this time only the western part of the site was masterplanned. This was a significantly more detailed document than the framework. However it effectively introduced a new indicative masterplan for the site with the main changes being:
- Relocation of the local centre to adjacent to the EDR.
 - Greater separation of the western park from the central and eastern lakes
 - Relocation of the Parkway and reduction of its scale.
 - Reworking of the 'Lane' to the 'High Street' with a denser more urban character.
 - Identification of the blueways – green corridors containing ditches.
- 7.3.4 The documents then went on to describe the movement hierarchy within the western sub-area and the characteristics of the proposed housing areas. Officers were satisfied

that sufficient detail had been provided to meet the requirements of the condition and the submitted sub-area masterplan was approved.

- 7.3.5 Under this submission the applicant has masterplanned a larger area than covered under the previous plan and this includes central areas of the site not previously masterplanned, including the central lake. The additional Phases are coded 3a – 3d within the new masterplan. The eastern parts of the site are not being masterplanned under this submission but they are shown in an indicative form, however officers consider no weight should be given to the indicative element of the submission.
- 7.3.6 In terms of the western subarea the key changes are the reduction in the scale of the central lake. Under the already approved SAMP this was to be 4.2Ha and would have contained a leisure hub at 1.4Ha. Under this submission the leisure hub is shown as relocated to the western park and the lake is reduced down to a much smaller area. In effect the quantity of public space shown in the central lakes area is greatly reduced with areas formerly shown as open space / lake now being shown as developed for housing.
- 7.3.7 The outline permission never specified a maximum number of units on this site and nor was any limit conditioned. However the site is allocated for the provision of 4000 houses under Policy H1 (Housing) of the adopted Newport Local Development Plan but this is not restrictive. As such there is potential for more units to be provided if more of the site was developable but the acceptability or otherwise of this would be dealt with at the time of the relevant reserved matters submissions.
- 7.3.8 In terms of the leisure hub being moved to the western park, the park has already been developed and the approved subarea masterplan hypothesised the provision of a cricket pitch within the park on the large central portion of the park currently put down to grass. The proposed subarea masterplan under consideration does the same. As such it is not clear what the leisure hub would be, but is clear that it would supplant the cricket pitch if it came forward i.e. the park can accommodate one or the other but not both. Additionally if the leisure hub required works to develop it, then an application would be required. It should also be noted that the S106 legal agreement requires the delivery of a cricket pitch in the 'Eastern School Sports' which would be outside the area of this masterplan.
- 7.3.9 In terms of delivery of leisure assets on the site the planning permission required the discharge of phasing conditions but the real control lies with the Section 106 legal agreement which identified what leisure facilities were to be provided and in some cases identified trigger points. In terms of the leisure hub the provision was to cover 1.4Ha of land and to consist of:
- Waterside activities (not specified but presumably watersports)
 - Tennis
 - MUGA
 - Skatepark
 - Basketball

Additionally there was to be 25.8Ha of amenity / informal play / equipped play space i.e. the parks and other open space on the site. It is clear from the S106 agreement that these spaces are different spaces and there was to be no doubling up on land area i.e. the ball court provided in the western park would not be discounted from the land provision within the leisure hub. As such it is not clear how the applicant intends to deliver the leisure hub now the land it was to be on, or at least some of it, is effectively given over to housing. However the eastern part of the site is not being masterplanned

and this provides significant scope for additional open space to be delivered in the future. However it is clear that officers will need to ensure that the masterplanning exercise for the eastern section of the site delivers the S106 requirements in full when it is prepared and this will need to include the leisure hub requirements in full. In conclusion the leisure hub cannot be de facto moved to the western park since the applicant is obligated to provide land for the leisure hub in the legal agreement elsewhere on the site and separate to any park provision. Approving this masterplan would not release the applicant from the need to provide land for the leisure hub and provide its facilities. That said, the reduction of the central lake means water based recreation will not be meaningfully possible which does have Section 106 implications, however it should be possible to seek alternative leisure provision in lieu of the water based recreation outside of this application should it be approved.

- 7.3.10 The Section 106 Agreement also identifies the central lakes as delivering 9.1Ha of recreation space. Under this submission the reduction in the lake area would mean this was in danger of not being achieved, although the space might be provided in the eastern subarea. However this is unlikely to be the applicant's intention. The strong likelihood is that 9.1Ha of lake will not be achieved. In regard to the lakes, the legal agreement does allow '*or such other provision that will be agreed with the Council as part of detailed / reserved matters submissions*'. As such it is open to the Council to agree a lesser area of lake and this could include no alternative provision at all given the wording of the agreement. However it is clear that the lakes were considered to be a recreational resource of value and their delivery (or some alternative provision) was legally secured at the outline stage. It is by no means clear that 'zero' alternative would be acceptable to the Council and it is officer's opinion that no alternative provision would not be acceptable unless very robustly justified since it would be a material worsening of secured leisure provision on the site with no obvious public benefit at all. However if this masterplan is approved it leaves half the site to be masterplanned and the alternative provision could be secured elsewhere on the site under a different provision. It should also be borne in mind that the lakes offered sporting opportunities and ecological opportunities as well as general amenity in the form of an attractive waterfront and associated open space and all these elements would need to be compensated for if the lakes are reduced.
- 7.3.11 In this now long-running application some discussion was had in relation to the delivery of enhanced blueways as linear parks. These could provide wide landscaped corridors, containing waterfrontage, pools and planting to encourage bio-diversity and routeways for cyclists and pedestrians. The submitted subarea masterplan shows potential for wide planted corridors up to 30m wide which would go some way in compensating for the reduction of the lakes and the associated park land. However it is unlikely this will fully compensate for the significant reduction on the area of the lakes and further alternative provision will be required to make up the deficit. This does however go some way to mitigating the identified harm to amenity but much will depend on the delivery of these spaces in future detailed submissions and how the surrounding housing areas relate to them. If they come forward as narrow engineered spaces which are not overlooked by the housing they will not be acceptable as alternative recreation provision. However this is a matter to be dealt with at reserved matters stage. An additional point relates to how the blueways will link up in terms of pedestrian movement. The drainage channels will be north south features that will abut the site boundary in the north. The very northern part of the site is identified as the northern woods and in the subarea masterplan this is identified as a landscape belt breaking off views to the mainline railway and providing ecological habitat. This area will be divorced from the site being separated by a major new reën and the recently approved Major Events Stabling Line which will be fenced in. As such the Northern Woods will provide a visual break but will not be available for recreational purposes. However the

SAMP is clear that a footpath will be provided along the edge of the northern woods meaning the blueways could link into a circular walk.

- 7.3.12 Overall in terms of conformity, this proposed subarea masterplan shows departures from the approved Development Framework and the approved Indicative Masterplan primarily in relation to the parameters of the proposed central lake and its associated open space which is proposed to be much smaller than shown. However the Council has secured the necessary open space via the S106 legal agreement and has the scope to accept an alternative provision in relation to the lakes (although not the leisure hub and public open space which are fixed). Officers conclude that the reduction of the lakes per se is not a reason to withhold approval of this conditional discharge but only if acceptable alternative provision can be secured within the masterplanning exercise within the eastern sub-area. As noted enhanced blueways subject to acceptable detailing and urban layout can provide some but probably not all of this alternative provision and there remains scope within the eastern subarea to provide additional alternative provision in the future as well as the general provision of recreational space the applicant is legally obligated to provide. Within the western subarea the western park and the existing blueways / greenways and other public open space provide sufficient recreational space. In the future the ecology park on the western boundary of the site will provide further informal space and the sports village on the site of the former steelworks sports facilities would provide formal sports pitches and a bowling green in the western part of the site. Even discounting the northern woods from the recreation provision it is concluded that the western subarea would have an adequate leisure provision currently and in the future. The loss of water-based recreation is seen as a clear loss but subject to the securing of alternative provision as allowed for in the S106 agreement it would not be an unacceptable loss. Overall there is a broad conformity between this proposed subarea masterplan and with the approved Development Framework and the Indicative Masterplan since neither of the latter documents was to be slavishly followed and in any event the last subarea masterplan approval (10/0750) allowed substantial departure from the Indicative Masterplan and Framework and this has already been agreed by the Council.

7.4 *Highways & Highway Hierarchy*

- 7.4.1 The subarea masterplan (SAMP) identifies a road hierarchy of primary, secondary and tertiary routes with each lower level in the hierarchy being designed for smaller numbers of vehicles moving at slower speeds. This reflects the currently approved subarea masterplan and is considered acceptable. Details of roads, especially Homezones which need considerable care in their planning and delivery can be secured at Reserved Matters stage. The proposed SAMP also proposes to deliver walking and cycling routes along the greenways and blueways. The lower hierarchy roads will also accommodate cycling by a low design speed. Footways will be provided along the greenways and blueways and alongside most of the roads. The SAMP identifies how the site can potentially be linked into existing walking and cycling infrastructure but the site is locked in to some extent by high speed roads, the mainline railway and intervening private ownership (Newport Retail Park). A circular bus route is identified through the site which is capable of providing an easy walk to a bus stop for most residents.
- 7.4.2 Overall the network of roads, footways and cycleways forms a coherent and nested hierarchy of roads that if implemented will give appropriate access to public and private motor vehicles whilst catering for pedestrians and cyclists.

7.5 *Scope for green infrastructure including public open space*

- 7.5.1 The open space provision in the western subarea is dominated by the western park which is a large area of public open space containing two water bodies, a neighbourhood equipped area of play and a ball court. There are formal footways laid out and large areas of grassland. There is currently no arrangement for formal sports (cricket or tennis) within the park. Other areas of informal amenity space are contained within the gateway (entrance to the site) and within the greenways and blueways which have been laid out. These include attractive pathways, planting, and open water which pedestrians and cyclists can transit through. There is a small area of public open space at the square in the centre of the Phase 1 housing. Various Local Areas of Play have been provided within this amenity space. The existing fishing ponds also provide an attractive amenity area.
- 7.5.2 There is further scope for additional areas of informal space in the Ecology Park at the western end of the site adjacent to Newport Retail Park where the intention is to provide footways and potentially pedestrian access to the retail park. A bowls club and formal sports pitches are proposed for the former Llanwern sports facilities in the north west of the site. The north woods are very unlikely to become available for public recreation due to the provision of new railway infrastructure and the development of a major new ree along the northern edge of the site limiting access. Realistically the northern woods cannot be considered to be viable accessible green space although they will make a visual contribution as a buffer to the mainline railway.
- 7.5.3 Overall the open space provision within the western subarea is considered to be sufficient in quantity and distribution to meet the needs of residents. The provision is a work in progress with other elements being capable of being secured via the Section 106 agreement and phasing conditions. The greenways and blueways provide a viable and attractive grid to link the green spaces together and provide suitable opportunities for active travel. Integration of the site into the main urban area is problematic due to its historic detachment and intervening landownership but there is potential scope to directly link into Newport Retail Park in the future. The footway along the EDR is wide and provides a combined pedestrian / cycle route and this can be accessed from the site at multiple points. Currently this route provides the main link to the existing settlement.
- 7.5.4 Overall the proposed public open space is adequate in terms of its amount and its distribution and general accessibility to residents.
- 7.6 *Integration of the site into the wider urban environment and integration of the development parcels with each other*
- 7.6.1 The grid of blueways and greenways allows the different parts of the site to be integrated with one another by sustainable means, that is walking and cycling. Much of the road network will be designed for lower speeds which will tend to encourage cycling within and between the development parcels. The proposed loop road will allow a bus service to enter the site. Movement within the site and between the parcels is considered to be acceptably dealt with.
- 7.6.2 The site is landlocked to some extent having been in a former use as a heavy industrial site which was secured and did not allow public access. Integration of the site with the land to the west is problematic due to intervening private ownership. However the applicant has made scope for connections westward within the site and can do no more than that. Access to the north is totally constrained by the railway corridor. However access to the south via the EDR can be achieved and although there are limited number of junctions the site is integrated into this transport corridor. The difficulties of integrating the site into the wider urban fabric were understood at the time

permission was granted and the applicant has made reasonable measures to incorporate the site into the wider urban fabric.

7.7 Layout, density & design and their response to context

- 7.7.1 The Phase summaries contained in the Masterplan give a brief outline of how the Phases will be developed. Densities are identified (generally around 35 dwellings per Hectare), active frontages are identified, alongside important views and key pedestrian and cycle routes. Building heights are identified at 2-3 storey. Limited design information is provided with details to be agreed at Reserved Matters stage. These elements of the subarea masterplan are considered acceptable.

7.8 Provision for active travel

- 7.8.1 Off and On-road cycle routes are identified. Key pedestrian links are shown and capacity to link westward into Newport Retail Park is identified. Links to the cycle / footway along the EDR are identified. Active travel can be achieved through the site.

7.9 Availability of local services

- 7.9.1 The subarea masterplan shows the provision of a local centre adjacent to the Llanwern Bull Public House (next to the EDR). This has been reduced in scale to allow for the omission of the Police Station and Library. However the reduced facility is shown as containing the pub, a café (drive thru), some retail, community uses and potentially a surgery / dentists' office. Local facilities can be provided in an accessible form which supports overall sustainability.

7.10 Provision for surface water storage

- 7.10.1 The proposed lakes although adding amenity and waterfrontage were initially required as surface water storage capacity and were an engineering response to accommodate floodwaters (including tidal flooding). However over the years the applicant has refined the flooding model and calculated the storage capacity can be effectively provided within the blueways and greenways and the lakes can be reduced in scale without damaging the necessary flood storage capacity. Cyfoeth Naturiol Cymru / Natural Resources Wales have assessed the applicant's flood calculations and do not object to the reduction in the scale of the proposed lakes.

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 subarea masterplan can be approved.

10. **RECOMMENDATION**

APPROVED

NOTE TO APPLICANT

01 This decision relates to the following plans and documents:

- Western Subarea Masterplan (Revision W), November 2018
- Llanwern regeneration Site, Drainage Strategy (2005)
- Glan Llyn Western Sub Area Drainage Strategy (16 April 2018)
- Savills Covering Letter dated 25 October 2018
- Breakdown of Open Space

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP3, SP11, SP12, SP17, SP18, GP1, GP2, GP3, GP4, GP5, GP6, GP7, CE1, CE3, CE9, H2, H3, EM1, T1, T2, T3, T4,

T5, T6, R8, CF2, CF3, CF13 & W3 were relevant to the determination of this application.

03 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

04 The following adopted Supplementary Planning Guidance was relevant to the determination of this application:

- Parking Standards
- New Dwellings
- Outdoor Play Space Provision
- Wildlife & Development

APPLICATION DETAILS

No: 18/0433 **Ward:** LLANWERN

Type: DISCHARGE OF CONDITION

Expiry Date:

Applicant: SAVILLS

Site: GLAN LLYN REGENERATION SITE (FORMER LLANWERN STEELWORKS), NEWPORT

Proposal: PARTIAL DISCHARGE OF CONDITION 04 (SUB-AREA MASTERPLAN) OF PLANNING PERMISSION 06/0471 FOR THE MIXED USE REDEVELOPMENT OF THE SITE RELATING TO THE WESTERN HOUSING AREAS

1. LATE REPRESENTATIONS

- 1.1 Mr Lewis Edwards the registered public speaker is unable to attend the Committee Meeting. His full representation is shown below but the main substance is shown before the references he makes. The references are drawn from various applications made in relation to the site:

I write to you to object to the plans submitted by St. Modwen Development Limited in 18/0433 - "PARTIAL DISCHARGE OF CONDITION 04 (SUB-AREA MASTERPLAN) OF PLANNING PERMISSION 06/0471 FOR MIXED USE REDEVELOPMENT OF SITE".

I find the application above unsatisfactory in a number of areas. Of greatest concern to me is the removal of the Central and Eastern Lakes from the current plans. I have noted the many objections of neighbours and the larger community around the issue of mis-selling of the property development but my concern goes beyond this.

The original plans make constant reference to the ability of these lakes to perform attenuation of excess surface water, whether from storm events, breach of sea defences or the river Usk overflowing. The new plan does not adequately explain the replacement of this essential safety feature of any residential areas on the Gwent Levels.

The villages in this area of Newport and the Gwent Levels have a rich history of maintaining the sea walls, reens and other measures for good reason, as you have seen in a variety of the supporting material in the approved planning application 06/0471 and subsequent amendments before this latest one. My knowledge of the communities and natural features of the local area gave me reason to check this particular facet of the development plan as part of my decision to purchase a property here. The original plan was in keeping with these essential traditions and consultation was taken with the relevant authorities to my satisfaction. The partial discharge of condition 04 is a blatant dereliction of the essential and sensible safety measures currently approved.

Reference A below outlines the need of the lakes in their originally planned capacity as a safety measure, not only for residents of Glan Llyn but also for those of communities in the Gwent Levels whose intricate network of reens and other waterways cannot deal with an excess of surface water being rapidly delivered from this 200-hectare site during a storm event without proper attenuation.

The policy context from reference C (06/0471 details) below clearly states the policies supporting the need for adequate flood risk minimisation. The context describes specifically the need to mitigate rainfall-runoff and that the size of the lakes would be sufficient. It is noteworthy that the total of the lakes has already been reduced from this stated 'sufficient size' in the re-designed Western Lake (now two ponds in the Western Park). To quote directly: "considerations and regulatory mechanisms to control peak water levels will ensure that there is no risk of flooding as a result of the proposed development and the proposed lakes would be of sufficient size to provide adequate attenuation".

As the lakes will maintain a level of water in line with the grounds water level at 4.0m above ordnance datum (mean sea level), it is clear that their capacity for attenuating flood risks is directly proportional to their area, which this application proposes greatly reducing. The change must be opposed for the number of lives that will be situated on this site who will come to rely on this essential safety mechanism in the future, as sea levels are expected to rise and weather patterns to become more extreme in the coming decades.

My secondary concern is the incompatibility of the established Character for Glan Llyn that has been re-iterated yet with rewritten references to altered features (doc#: 18/0433-05268723), Reference F below. The text describes the importance of the "Character of Glan Llyn" and yet does not mention the fact that this character is being eroded by the very same application that this text relates to. The original plans truly did establish something that "surpasses anything achieved in Newport to date" and for that they received approval and great interest from locals and businesses across Newport and the wider region. That this promise is now being undermined should be taken into consideration in the light of Newport's long delayed regeneration, where aspirational development for a once monumental industrial city into a dynamic and inviting gateway for south Wales has gone underdelivered on many occasions. This is the latest attempt to short sell on the initially agreed potential for Newport, essentially so a national business can take further advantage of potential profit now that it has momentum towards its original commitment. Other property developers would be keen to help build Newport on other brown sites with equally worthy plans as seen in 2006 from St Modwen. As such, those original plans should not be superseded by the reduced commitment offered in this latest application.

My tertiary concern regards the latest planning application's incompatibility with the agreed needs of this development if it is to follow guidelines for sustainability and ecological awareness.

I have quoted (and in some cases transcribed) relevant text from the 06/0471 planning documentation in references A, B, C, D and E below. Of particular relevance are the ecological matters that were to be attended to. The industrial pressure exerted on Newport and South Wales generally led to extensive clearing of natural habitats and greenery and a perfect example is that of the Llanwern steelworks site. As a member of the Redwick History Group, I have seen a wealth of maps of this area from before the steelworks was built and have met the families whose ancestors only 2 generations ago owned the farmland that used to exist here. It is clear that this area would have been an important part of the now numerous Sites of Special Scientific Interest in this region and as such, the opportunity to restore some of what was lost could not be more valuable to a sustainable development of Newport. The Eastern Lake was specifically marked for the support of the local ecology and showed real commitment to the green policies of the Welsh Government and Newport City Council. This latest application has completely removed this lake. The replacement of the water-sport and leisure-oriented Central Lake with an uninspiring Ellen's Lake is another matter, that other residents have colourfully opined on but for brevity I will not extend my concerns beyond three. I will however note that Ellen's Lake will do little for the ecological promise that the currently approved plan provides.

If it can be so considered in a planning decision, I urge the committee to think of the implications of approving such a diminished delivery on the original promise by St Modwen's 2006 plan to Newport. If this plan is approved, it will set a precedent for regular annulment of the sound reasoning and careful thought that was put in the original plan for Glan Llyn; the creation of a sustainable residential development that properly considers safety, ecology, culture and social aspects of Newport. If Newport is to achieve its potential as a remarkable gateway to South Wales, then this application outcome will be a notable bellwether.

References

Reference A

Planning Database Reference 06/0471

Document #: 05125292

Biodiversity

In terms of the residual effects of the operational phase of the development, negative impact on birds and small mammals from humans and domestic animals would be mitigated through creation of new areas of habitat in urban gardens and wider green space. Removal of aquatic breeding habitat and terrestrial habitat for amphibians would be mitigated through retention, enhancement and creation of suitable breeding habitat. Creation of large open water bodies will result in habitat gain, associated marginal habitats. Green corridors would result in commuting corridors for widespread and commonly occurring wildlife species.

Habitat management would also be continued across the development.

Water Resources and Flood Risk

Water Resources and Flood Risk The application site is within the coastal flood plain. The proposed development will affect the drainage and rainfall-runoff relationship at the site. However, design considerations and regulatory mechanisms to control peak water levels will ensure that there is no risk of flooding as a result of the proposed development and the proposed lakes would be of sufficient size to provide adequate attenuation. Outfalls from the lake into the main east west ditch would restrict flows to the equivalent Greenfield runoff rates.

The Application Proposal

The proposed development would comprise a mix of uses focused on three new lakes (which would each have different uses including a formal lake, one for recreation and leisure uses, and one serving an ecological function) and parkland areas.

Site levels would be increased by an average of 0.5m to facilitate provision of minimum floor levels of between 7m above ordnance datum (AOD) to 7.5m AOD. Levels at the western and southern boundaries of the site would be increased to 8.3m AOD and 6.5m AOD respectively to facilitate flood mitigation measures which would also include the provision of the lakes, drainage channels and areas of open space. The provision of a new emergency access in the north-west corner of the site linking through to the SDR would also be provided for emergency vehicles in the event of flooding. This route is also proposed to serve as a shared pedestrian footpath and cycle track.

Flooding

A Flood Consequences Assessment has been submitted and agreed in principle by the Environment Agency Wales. Flooding on the site would be avoided with the use of new drainage channels, the creation of new lakes which would act as balancing areas for surface water, and with the use of Sustainable Urban Drainage Systems (SUDS). Such measures would also avoid any effects of the development on the surrounding area including Llanwern Village in terms of flooding. The drainage channels running along the greenways of the site form part of the flood alleviation and would be maintained by the proposed Community Interest Company to avoid obstruction to flood flows.

Ecology

The majority of the site is of limited ecological value however there would be approximately 2 hectares of more valuable reedbed and wet woodland which would be lost (although 29 hectares of such habitat would be retained). However, it is proposed to provide more extensive replacement habitats throughout the new development including the lake areas and green corridors.

Reference B: Environmental Assessment Process

Planning Database Reference 06/0471

Document #: 05101231

Document name: "Llanwern Regeneration Site: Environmental Statement"

Section 3.3.2 – Land Raising

The Llanwern Regeneration Site is at risk of flooding from the Severn Estuary and River Usk under extremely rare high tides but only when combined with a failure or breach of the sea defences and river walls which protect the Caldicot Levels and eastern Newport. In accordance with Technical Advice Note (TAN) 15, a Flood Consequences Assessment (FCA) report (Halcrow, December 2005) has been prepared to support the planning application for the LRS. This FCA sets out in detail the flood risk to the site and the regeneration and proposes a series of mitigation measures to ensure that the development and the new communities created are properly protected without adversely affecting surrounding areas. Briefly, for the purposes of the ES, these measures will comprise:

- Localised 'land raising' using suitable site-won earthworks material at the western and southern boundaries of proposed residential plots to increase the final ground levels to 8.3mODN and 6.5mODN respectively*
- Utilising the proposed lakes, drainage channels and areas of open spaces to direct, manage and detain any flood water which could reach the site from either the west or south.*
- Provision of a new access road connecting with the Newport Southern Distributor Road (SDR) immediately turn off of existing Llanwern Sports & Social Club at the far north west of the application site which will ensure a maintained access for emergency vehicles during flooding. (Under everyday circumstances this access will serve as a shared pedestrian footpath and cycle track)*

The FCA has been reviewed by Environment Agency and they have stated that the assessment is considered to be acceptable in terms of flood risk matters and that the development should be undertaken in accordance with this assessment.

Section 3.3.4 – Foul and surface water drainage proposals

Surface water drainage

The proposed development will be centred on a new car which will include three large lakes. The lakes will be set into the natural estuarine alluvial deposits with normal impounded surface water levels dictated by the natural groundwater level. The lakes will be fed by the existing water courses which drain the land to the north. It is not considered necessary, hydrogeologically, for the lakes to be lined, as the water body will not be perched above a pervious base.

The creation of a central park with its three large lakes plus the interconnected network of streams and drainage channels throughout the site, but only served to provide high quality and attractive amenity, recreational and habitat opportunities; they also serve as a fundamental engineering function in ensuring that flood risk is managed. Further detail of how this will work is provided in the separate Flood Consequences Assessment report which supports the planning application for the LRS. However the principles and relevant details are outlined below.

The newly formed lakes will be fed by four new channels which will receive flows from the existing drainage channels which currently cross the site within concrete pipe culverts flowing from north to south. These existing drainage channels, none of which are classified as Main River, drain land of the main London-Cardiff railway line, and discharge into the Corus maintained Main East-West Ditch (MEWD) located immediately to the south of the Queen's Way. The culverts will be abandoned and diverted into three newly created channels which will be landscaped and planted to create woodland corridors which will add to the bio-diversity interest, enhance visual impact and improve the overall amenity value. The three lakes will provide sufficient capacity to accommodate site surface water runoff and flows in a coastal flood defence breach scenario.

As part of the approved response to flood risk, to prevent coastal flooding of the LRS during an extreme event (1 in 1,000yr return period event including 50 yrs sea level rise) and following a breach in the sea defences or River Usk defences, it is proposed to provide areas of land raising to the south and west of the site. To prevent an increased risk of flooding to adjacent areas and third parties it is proposed that flood waters are attenuated and conveyed through channels and low-lying areas within the north-western edge of the site into the central lakes and surrounding recreational areas.

The lakes minimum impounded water level is set at a level consistent with the natural groundwater table (around 4.0mODN) which will preclude the need for liners to retain a perched water body.

Discharges from the lakes and the development in the MEWD will be restricted by control structures to rates previously agreed in consultation with the Caldicot & Wentlooge Internal Drainage Board.

Incoming flows from the six natural watercourses will be catered for in two ways. Natural base flows will be diverted from their present course into three new channels which will outfall into the three lakes within the development site and thence to the MEWD.

The new channels will be designed to prevent impacts upstream and downstream of the site and therefore will not increase flood risk to adjacent areas. The design of these channels will be determined at detailed design. However, it is likely that these will maintain a similar profile to that of the existing land drains.

Flood flows from these watercourses which exceed above 1 in 2 year return period would be conveyed via a new overflow channel which will bypass the lakes and flow directly to the MEWD. These flows, together with base flows passing through the lakes will equal the present flows into the ditch from those watercourses.

The lakes will provide important amenity, recreational and ecological roles. During operation, it will be of paramount importance to ensure that they are maintained in a sustainable

manner to ensure their quality and integrity. It is likely that a management company will be set up to oversee the day to day maintenance of the lakes, drainage networks within the site and landscaping. Siltation of the lakes will be managed by the introduction of silt traps on discharging waters and outfalls.

Section 3.6.2 – Open space provision

Lakes

The new development will be focused around a series of lakes surrounded by substantial green space as outlined above, providing a total of 9.4 hectares of new lake features.

Three lakes will be formed in the centre of the application site along the following themes (see Figure ES4):

- Western Lake: an aesthetic, formal lake relating to the Western Park and the District Centre*
- Central Lake: to be used for recreation. Canoeing, boating and sailing could be accommodated on this lake.*
- Eastern Lake: the eastern lake is envisaged as having an ecological function as part of an overall ecological strategy with a series of small islands, reed margins and reduced public access.*

The lakes will act as storage areas for the surface water runoff from the surrounding impermeable catchment and will also convey the water from the land drains to the north of the site. There will be two controlled outfalls from the lakes into the existing surface water system. The restricted flows will outfall into new channels which will direct flows to the existing Main East-West Ditch. The surface water drainage of the site is considered in detail in the Flood Consequences Assessment report and summarised in Section 3.3.4.

Section 4.2.4 – TAN (Welsh Assembly Technical Advice Note) 5: Nature Conservation and Planning

TAN 5 was published in 1996 and provides advice on the processes that local Authorities are required to follow to ensure the protection of designated nature conservation sites and conservation of the natural environment. The guidance promotes the role of wildlife corridors.

It is considered that the proposed development is compliant with the aims and objectives of the guidance. The effects of the proposal and mitigation measures proposed to protect and enhance nature conservation interests are addressed in the Landscape and Ecology Sections of the ES.

Section 4.7 – Summary

Planning policy has had a major influence on the form and content of the proposed redevelopment scheme. It is considered that the proposed development fully supports the relevant national and regional planning policy guidance and accord wholly with the principles of local planning policies.

The proposals support national objectives (as contained in the Wales Spatial Plan) and policies on the location of development which encourage delivery of sustainable settlement patterns, based on the full use of previously developed land. It also seeks to ensure that new development protects and enhance the local environment and promote the development of sustainable communities which encourage non-car forms of transport. Access to housing, job opportunities, better environmental conditions are also clear priorities which the proposals support.

More locally, the whole site is allocated in the emerging Newport Unitary Development Plan as part of the Eastern Expansion Area for mixed use development comprising new housing, employment space, leisure, recreation and community uses. The allocation clearly contemplates the development of a substantial urban extension on the site and the application for the LRS complies entirely with Policies SP26, SP13, ED2(vi) and H1(53).

The proposed development thus fully accords with the relevant planning policies and represents an important element in the realisation of Newport's strategy for regeneration and growth.

Reference C: Application Details – Outline

Planning Database Reference 06/0471

Document #: 05130718

Consultations

ENVIRONMENT AGENCY: No objections subject to a number of recommended conditions. In relation to mitigation against the risk to controlled waters conditions recommended include requirement for a scheme to deal with the risks associated with contamination of the site given that insufficient work has been carried out to date, control as to where infiltration of surface water into the ground can occur, control over piling or any other foundation designs using penetrative methods, and requirement for a scheme for the disposal of surface waters. It is also noted that contaminated soil that is excavated, recovered or disposed of is controlled waste and would therefore be subject to waste management legislation. In relation to hydrocarbons at the site, it is noted that there may need to be an amended risk assessment, relating to the proposed cut-off barrier at the southern site boundary to mitigate the potentially detrimental effect on controlled waters, depending on the nature of this barrier. It is also noted that further work is needed (which would be covered by the recommended conditions) relating to a remediation strategy for groundwater in alluvium. In relation to flood risk the Flood Consequences Assessment (FCA) (Halcrow version 5 dated December 2005) is considered acceptable. The Local Authority should be satisfied that on completion of the development, watercourses and open spaces adjacent to them have the necessary agreements in place to ensure they are maintained in perpetuity. The Environment Agency recommends a condition to ensure that the proposed attenuation lakes shown on the amended indicative Masterplan are carried out in accordance with the proposals agreed in the FCA. Also recommend a condition to ensure that if the proposals include any infilling of reens the developer must provide compensatory measures in relation to the loss of storm water storage and habitat.

DWR CYMRU - WELSH WATER: The water and sewerage infrastructure is currently inadequate to deal with the additional demands of this development. In terms of sewerage a condition could secure the requirement that foul flows are connected directly to Nash Waste Water Treatment Works (Nash WwTW). In terms of sewage treatment it is likely that the first phases of development could be accommodated without any improvements being required, however there needs to be certainty that the developer will fund these improvement works as a requirement of any planning consent. In relation to water supply, until the full extent of works needed has been identified and the developer has signed a requisition agreement to fund the works DCWW oppose the application unless these matters can be controlled through a legal agreement or conditions. Further comments will be reported verbally at your meeting.

COUNTRYSIDE COUNCIL FOR WALES: No objections raised. The following observations are made. CCW considers that the proposal would not be likely to have a significant effect on the Severn Estuary European Marine Site in terms of surface water drainage. Whilst part of the site drains into Liswerry Pill reen which in turn flows into the River Usk SAC/SSSI, there are no objections on the basis that the part of the site concerned is not affected by land contamination. Although the site is immediately to the north of two Gwent Levels SSIs (Nash and Goldcliff and Whitson) no objections are raised on the basis that the existing isolation of the former steelworks from the Levels drainage system will be retained (surface water drainage from the site would discharge into the main east-west ditch which discharges into the Severn Estuary via pipeline). In terms of protected species it is noted that no evidence of these has been found on the site but recommend that if evidence was found at any stage then CCW be reconsulted.

NEWPORT UNLIMITED: Regard the redevelopment of this land as a key development in the overall regeneration of the City of Newport. Such redevelopment for mixed use has been

identified as part of the East Newport Master Plan. Newport Unlimited regards the mixed uses as appropriate and positive to the site with a diverse mix of housing specification, industrial, community and leisure uses. The proposal will also greatly enhance the environmental quality of the site complementing the surrounding green areas and reclaiming the former industrial land for leisure activities. The creation of new transport infrastructure and services are essential to the successful redevelopment of the site.

GWENT WILDLIFE TRUST: Objects on the grounds that a proper bat survey was not carried out and that a proper survey of breeding birds should be carried out rather than a one day Extended Phase 1 Habitat survey. It is also noted that the Western Area habitats include marsh and wet woodlands which are regarded as of principal importance for nature conservation and as such require mitigation if damaged.

CALDICOT AND WENTLOOGE LEVELS IDB: No land drainage objection subject to conditions including: to ensure that the development is constructed in accordance with the Flood Consequences Assessment in relation to surface water drainage; the Board's Land Drainage Consent would be subject to discussions relating to adoption of the land drainage system south of the site and the existing pumping station; a 7m wide strip of land to be left clear of any building or obstruction along both banks of any watercourse from a bank stability and maintenance point of view; other general conditions relating to drainage issues. It is also noted that the highest recorded tide is 8.4m above ordnance datum (AOD), that the approximate ground level of development is 6m AOD and that global warming etc will affect the 1:200 year tide level of 9m AOD by +170mm over the next 34 years, as well as no account having been taken of the effect of wave action and tidal surges.

DESIGN COMMISSION FOR WALES: Support the commitment to a high quality, sustainable development and is impressed with the investment that has already been made in developing strategies for landscape and environmental improvement. In relation to the proposals so far, the following observations are made (it should be noted that these relate to the original indicative masterplan submitted which has since been amended to address these points): - consider that the site has been planned largely in isolation from the rest of the development that will take place in East Newport, and that a wider look at potential development patterns, constraints and infrastructure is necessary. This view is reinforced by the new information that St Modwen have preception rights on the future sale of Corus land and already hold other lands around the site; - concerned that although the developer has an option on other adjacent sites, the current proposals make no allowance for future masterplanning of these sites (routes, land use and plan forms); - not convinced that the proposed masterplan is compatible with the requirements of the East Newport Development Framework ENDF document in terms of the overall site layout; - remain concerned about the relationship of the site to the nearby reens and the Gwent levels, and not convinced by the argument that the landscape to the north should be addressed to the exclusion of the landscape to the south. A transition within the site would form a more convincing landscape solution and offer more variety and potential for varied living environments; - would like to see the rather introverted site plan opened up, especially with an accessible north/south link across the railway, more pedestrian linkages to the residential areas to the west and to the wider footpath network. There should also be more connections to Queensway, to reduce the potential for congestion at peak times and to reduce car movements within the site, and these should consider future development patterns to the south and east; - support the idea of a Community Interest Company to ensure management and maintenance of the landscape and hydrology. Commend the commitment to ecology, sustainable drainage and high quality landscape and recreation facilities, and look forward to the detailed design of these matters; - not convinced that the proposed means of delivery will be sufficiently prescriptive to ensure the desired quality on the 18 projected residential developments and the district centre. The guidance currently offered by the plan is minimal. Following the ENDF and best Welsh practice (Llandarcy) would prefer to see the use of a design code with clear, strong urban design principles to set layout and urban form requirements. Suggest that the Local Authority consider whether this should be a condition. Not advocating an

architectural code but would seek a commitment to Ecohomes and BREEAM 'Excellent' in construction.

GOLDCLIFF COMMUNITY COUNCIL: Raise concern in light of past assurances that no further developments would take place until a full infrastructure was in place on the levels. Drainage into Monks Ditch is well over capacity. Also feel that the Environment Agency decision not to proceed with the full sea wall defence works should also be taken into account.

POLICY CONTEXT

Newport Unitary Development Plan 1996-2011 (Adopted May 2006)

Policies SP24 and U6 relate to Development and Flood Risk. Developments should not result in an unacceptable risk of flood either on or off site.

East Newport Development Framework Plan Revised Draft Supplementary Planning Guidance

Water Resources and Flood Risk The application site is within the coastal flood plain. The proposed development will affect the drainage and rainfall-runoff relationship at the site. However, design considerations and regulatory mechanisms to control peak water levels will ensure that there is no risk of flooding as a result of the proposed development and the proposed lakes would be of sufficient size to provide adequate attenuation. Outfalls from the lake into the main east west ditch would restrict flows to the equivalent Greenfield runoff rates. Domestic foul sewage would be discharged to Nash Waste Water Treatment Works south of the application site. Water quality and quantity discharging to the Severn Estuary would be improved as a result of the proposed sustainable drainage systems and treatment facilities (oil interceptors, silt traps). The development would also have no adverse impact upon the flow regime or water quality of the River Usk, Monks Ditch, Liswerry Pill Reen, Gwent Levels SSSIs and all associated reens and other associated water resources provided that Best Practice Guidelines and the recommended mitigation measures are adopted.

ASSESSMENT

BACKGROUND

The Application Proposal

The application is made in outline with details of siting, design, means of access, external appearance and landscaping reserved for future consideration. An indicative masterplan and development framework have however been submitted with the application to set out the principles of development of the site. The proposed development would comprise a mix of uses focused on three new lakes (which would each have different uses including a formal lake, one for recreation and leisure uses, and one serving an ecological function) and parkland areas. The majority of the site (approximately 200 hectares) would comprise residential use (up to 4,000 homes) with supporting uses including two primary schools and a local centre comprising local shops, community facilities, offices, commercial leisure facilities, healthcare facilities. The commercial elements of the centre are expected to extend to approximately 8,000 sqm in size. The housing is proposed to provide a mixture of residential neighbourhoods with a full range of house types. Residential density is proposed to vary across the site from 20 to 60 dwellings per hectare with some higher density along principal circulation routes and some lower density around the lake (average density is proposed to be 36 units per hectare). Housing types and heights would vary from 2 to 4 storeys generally with the possibility of 5 storey at key nodes. Higher densities and building heights are generally proposed in the core areas of the site.

Flooding

A Flood Consequences Assessment has been submitted and agreed in principle by the Environment Agency Wales. Flooding on the site would be avoided with the use of new drainage channels, the creation of new lakes which would act as balancing areas for surface water, and with the use of Sustainable Urban Drainage Systems (SUDS). Such measures would also avoid any effects of the development on the surrounding area including Llanwern Village in terms of flooding. The drainage channels running along the greenways of the site

form part of the flood alleviation and would be maintained by the proposed Community Interest Company to avoid obstruction to flood flows. Landscape maintenance, including the greenways, can be secured by condition should the application be approved.

Ecology

The majority of the site is of limited ecological value however there would be approximately 2 hectares of more valuable reedbed and wet woodland which would be lost (although 29 hectares of such habitat would be retained). However, it is proposed to provide more extensive replacement habitats throughout the new development including the lake areas and green corridors. Surveys carried out indicate that there would be no protected species affected as a result of the development of the site. However the surveys of wildlife carried out would need to be updated prior to commencement of any development together with appropriate mitigation measures and ecology management which can be secured by condition should the application be approved. Whilst no evidence of bats was observed on the site during the wildlife surveys carried out by the applicant, no formal bat survey has been carried out to date. Further information on bats is to be provided by the applicant which will be reported verbally at your meeting.

Leisure and Open Space

In addition to the facilities contained within the Llanwern Sports and Social Club St Modwen will provide an appropriate number of Local Areas of Play, Local Equipped Areas of Play, and Neighbourhood Equipped Areas of Play within each phase of development. It has been agreed that the sub area masterplans for each phase will identify the type, location, and number of these facilities. St Modwen has also agreed to provide within the Llanwern Regeneration site, at the appropriate stage of development, 2 football pitches, 2 rugby pitches, 1 artificial cricket wicket, suitable changing rooms, a Multi Use Games Area, and secure parking facilities that can accommodate a total of 40 cars. In addition to this formal play provision the development will also provide over 7.6 hectares of informal space in the form of parks. St Modwen is proposing that responsibility for the ongoing maintenance of all open space and formal play facilities will be with a newly created Community Interest Company (CIC) that will be made up of local residents and St Modwen. The funding for this will come from an annual charge levied on residents but subsidised by St Modwen in the early days until a critical mass of residents is reached. This CIC will also retain responsibility for the maintenance of the lakes and waterways/ reens/ ditches on site which act as the flood defence measures for the development. Whilst the proposed mechanism for funding this maintenance places no cost liability on the Council consideration has been given as to what would happen in the eventuality that this CIC ceased to operate. Consequently it has been agreed that a bond (the amount to be agreed) will be paid by St Modwen to cover the potential maintenance costs for the open space and the lakes for at least a 20 year period. The 20 year period identified is consistent with the period of time that Leisure are basing their commuted sum calculations upon for other developments within Newport.

RECOMMENDATION GRANTED SUBJECT TO CONDITIONS AND S106 LEGAL AGREEMENT

Ecology

23 Submission of a Construction Environmental Management Plan (CEMP) and including appointment of an Environmental Liaison Officer.

24 A comprehensive pre-construction schedule of surveys for wildlife to be submitted to and agreed in writing by the Local Planning Authority. Survey methodologies and any resulting mitigation/compensation measures required to be agreed with the Local Planning Authority ecologist and the CCW. - Appropriate mitigation measures for amphibians and reptiles to be agreed with local authority ecologist. Implementation of measures as agreed. - Ecological clerk of work to be appointed. - An integrated Ecology and Landscape Management Plan to be provided. - Commitment to retention and management of wet woodland. - Habitat enhancement works to be submitted to and agreed in advance with the

local authority ecologist. Reason: In the interests of preserving this ecological integrity of the site,

Flooding

25 Each development parcel defined under Condition 06 shall be developed in accordance with the approved Flood Consequences Assessment, the infrastructure phasing plan covered by Condition 07, the Phasing Plan (drawing No A003 Rev.C) and the phasing programme set out in email from Tim Gent of GVA Grimley dated 15 May, 2007, and in accordance with a comprehensive set of levels and cross sectional drawings that shall first be submitted to and approved in writing by the Local Planning Authority in relation to the reserved matters referred to in Condition 01. These drawings shall clearly show finished ground levels, finished floor levels of buildings and the manner in which raised ground will be graded down to existing ground levels along the perimeter of the site. Reason: To safeguard against flooding and protect the amenities of future users of the site and neighbouring residents.

26 Details of management of watercourses and adjacent open spaces to avoid obstructions to water flows shall be submitted to and approved by the Local Planning Authority and implemented in accordance with the approved details. Reason: To safeguard against flooding and protect the amenities of future users of the site and neighbouring residents.

27 Should the proposals include for any infilling of reens, the developers must provide compensatory measures to compensate for the loss of storm water storage and habitat.

Reference D: Llanwern Regeneration Site - Environmental Statement February 2006

Biodiversity

An ecological assessment has been undertaken including a desk study, consultation with relevant organisations, a habitat survey followed by specialist surveys for protected/notable species. The results of this assessment have been used to determine the ecological value of the site and the potential impacts which the development will have on the ecology.

There are no designated sites of nature conservation value within the site boundary. The Gwent Levels: Nash & Goldcliff Site of Special Scientific Interest (SSSI) and Gwent Levels: Whitson SSSI adjoin the southern boundary of the site. Monks Ditch Site of Importance for Nature Conservation (SINC) also adjoins the northern boundary of the site with Ringland Way Marsh SINC located 50m northwest of the site.

Following assessment of the development proposals, it is considered that providing all site works are undertaken in accordance with best practice guidance the proposed development will not have an impact upon any sites designated for their nature conservation value.

Specialist surveys were undertaken for Otter, Water Vole, Reptiles, Amphibians and Invertebrates. The surveys did not identify any current or historical use of the application site by any of these species. The ecological assessment concluded that there was no evidence to indicate the presence of any other protected or notable wildlife within or adjacent to the site.

About 87% of the site is dominated by extensive areas of compacted and inhospitable ground of no ecological value. The proposed development will lead to loss of some areas of plantation woodland, scrub, improved and semi-improved grasslands that are habitats of District value (less than 1% of the total site area). The loss of these habitats could have an impact on some wildlife, most notably breeding birds that are of neighbourhood value.

However, approximately 12% of the application site, which comprises of species-rich wet woodland, secondary semi-natural habitats, formal amenity fishing lakes and a small sports centre, is being retained under the proposed scheme.

The proposed development layout and design will compensate for any loss of habitats and potential impacts upon species. Through careful design and the on-going management of remaining and new habitats there is the clear potential to increase the site's ecological value.

The creation of open water features and habitats, to include a network of 'green drains', wet grassland, wet woodland and reedbed habitats will represent a significant enhancement of the site.

Habitat creation, including areas of parkland and woodland planting, would permit and encourage the spread of wildlife into the Llanwern Regeneration Site. The creation of green corridors would, in time, allow wildlife to travel through the development between areas of semi-natural woodland to the north and wet pasture land to the south of the site.

Water Resources and Flood Risk

The site is within a coastal flood plain and lies to the east of the River Usk and north of the Gwent Levels and the Severn Estuary, all of which are designated areas of importance for nature conservation.

The site is drained by a series of drainage culverts that forms a 'self-contained' drainage network. Surface water runoff within the site is collected by the drainage culverts and then discharged into a ditch call the Main East West Ditch. The Main East West Ditch flows into a settlement lagoon and is eventually pumped out into the Severn Estuary via two above ground pipelines.

Three reens, including Monks Ditch (classified as a main river), cross the site in a north south direction and are not connected to the site's drainage network. The reens transport water from the area to the north of the site, through the site and the Gwent Levels and ultimately discharge into the Severn Estuary to the south of the site.

The site is currently at risk of flooding during an extreme event (1 in 1,000) years following a scenario where there is a breach in the sea defences or River Usk defences. The risk of flooding at the site will be mitigated through the implementation of a flood defence strategy which includes the construction of three new lakes set in landscaping and amenity grounds which will be designed to fully attenuate flood water from the River Usk without impacting on areas off-site. This strategy has been approved by the Environment Agency.

The change in use of the Llanwern Regeneration Site will significantly change the rainfall / runoff relationship at the site. The impact of this change in land use including the risk of flooding to adjacent areas will be mitigated by the use of sustainable drainage systems including 3 new large attenuation lakes which will also provide amenity and conservation value and treatment to control quantity and quality of the surface water runoff from the site.

Drainage off site will be maintained at the greenfield run off rate.

The proposed development will have no adverse impact upon the risk of flooding, the flow regime or water quality of the River Usk, Monks Ditch, Severn Estuary, Gwent Levels SSSIs and all associated reens and other associated water resources, as best practice guidelines and the recommended mitigation measures will be adopted during design and construction. The careful management of the land drains which are to be diverted within the application site, the surface water runoff from the proposed development and the proposed three lakes will ensure the sustainability of water resources is maintained within the Usk catchment and the Gwent Levels. This approach has been agreed with the Environment Agency.

Reference E: LLANWERN REGENERATION SITE

January 2007 - Development Framework Revision E

3.2.1 Within the green grid are a series of reens and lakes forming a network of blueways through the development. These blueways have both an aesthetic and practical function. On one level they will intercept and distribute any flood water that reaches the site should sea defences fail; on another they will provide surface water attenuation as part of a sustainable urban drainage system (SUDS).

3.2.2 A system of reens will replace the existing ditches running from north to south and discharge into the central lakes. From the lakes, open reens will connect into the East West Ditch to the south of the site and then into the existing Corus reed bed system.

3.2.3 The site contains 4 lakes, one existing and three new. These are: The Pool; an existing, well maintained lake which will be retained. This lake is currently used for fishing and this use will remain. Western Lake; an aesthetic, formal lake relating to the District Centre and Avenue. Central Lake; to be used for recreation. Canoeing, boating and sailing

could be accommodated on this lake. Eastern Lake; the eastern lake is envisaged as having an ecological function as part of an overall ecological strategy with a series of small islands, reed margins and reduced public access.

3.2.4 An existing watercourse, Monks Ditch, crosses the site towards the eastern edge. Monks Ditch is currently in a concrete culvert and will be landscaped to act as a visual amenity and wildlife corridor. Monks Ditch will form the transition between the new employment site and the new residential areas.

3.2.5 Generally water bodies will be accessible with a range of streams, pools, and lakes being formed to provide visual interest throughout the development.

Reference F: A Character for Glan Llyn

Planning Database Reference 18/0433

Document #: 05268723

As previously stated, our vision for Glan Llyn is one of transformation from a post-industrial landscape to a vibrant community which ‘surpasses anything achieved in Newport to date’. To achieve this, we firmly believe that our precedents should embrace ‘Best Practice’ in residential development from throughout the United Kingdom as well as drawing on local Welsh materials and the positive legacy within the diverse regional vernacular. This approach continues Newport’s tradition of embracing modern development and allows us to draw from the best examples available to avoid the pitfalls of the past. Our approach will therefore draw on:

- The diversity of urban styles found within Newport to give a rich mixture of architecture presented through a controlled variety of façade, height, mass and roofscape*
- Utilise local materials where appropriate and particularly in the public realm to benefit from the colour form and texture inherent in their nature*
- Combine a current contemporary approach with a considered interpretation of the traditional to create a unique character for Glan Llyn*

We anticipate that in terms of the overall development, this will translate into a strong ‘contemporary’ urban core centred around the parks and Western and Ellen’s Lakes with the periphery of the site developing a contemporary sub-urban, or progressive-traditional, character. Key will be the flexible transition of one character into the other allowing special areas and places to develop and form as the new district grows and forms itself.

- 1.2 A representation has been received from Mr Lee Griffiths of Glan Llyn who has objected in relation to the changes in the masterplanning that have taken place since he purchased his house.

2. OFFICER RESPONSE

- 2.1 The text of Mr Edwards letter was submitted as part of the application process and has been reported in summary in the Officer Report. As such this representation raises no new issues.
- 2.2 Mr Griffiths objection does not raise any new issues.

2. OFFICER RECOMMENDATION

- 2.1 That the application should be approved as per the Officer Report.

APPLICATION DETAILS

No: 2 18/0787 Ward:GAER

Type: FULL (MAJOR)

Expiry Date: 15-OCT-2018 EXTENDED: 08-MAR-2019

Applicant: LIDL UK GMBH

Site: LAND TO SOUTH FORMING PART OF SOUTH WALES ARGUS
BIDEFORD ROAD NEWPORT SOUTH WALES

Proposal: DEMOLITION OF THE EXISTING BUILDINGS AND THEIR
REPLACEMENT WITH A NEW RETAIL FOODSTORE (USE CLASS
A1), TOGETHER WITH ASSOCIATED CAR PARKING, EXTERNAL
AREAS, LANDSCAPING AND SERVICING ARRANGEMENTS

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the demolition of existing buildings and the construction of a new retail foodstore (to be occupied by Lidl), together with associated car parking, external plant area, trolley and cycle stands, landscaping and servicing arrangements. The proposal also involves the closing of an existing in/out access off Cardiff Road and the creation of a new access south of the existing one.
- 1.2 The existing buildings are currently occupied as offices by South Wales Argus and by DX Freight who are a logistics and delivery company.

2. RELEVANT SITE HISTORY

13/0830	DEMOLITION OF EXISTING BUILDING AND REDEVELOPMENT OF THE SITE TO PROVIDE 82 DWELLINGS WITH ANCILLARY CAR PARKING, OPEN SPACE, ACCESS ARRANGEMENTS AND LANDSCAPING AND RECONFIGURATION OF SOUTH WALES ARGUS CAR PARK	Granted with conditions
---------	---	-------------------------

3. POLICY CONTEXT

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

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

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

Policy **SP19 Assessment of Retail Need** sets out the retail hierarchy for where retail development should be located. 1. Newport City Centre; 2. A Defined District Centre; 3. Local Centres; 4. Out of Centre

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 **GP3 General Development Principles – Service Infrastructure** states that development will only be provided where necessary and appropriate service infrastructure either exists or can be provided. This includes power supplies, water, means of sewage disposal and telecommunications.

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

Policy **T2 Heavy Commercial Vehicle Movements** states that developments which generate heavy commercial vehicle movements will be favoured in locations which have access to a railway line, wharf or dock. Where this is not appropriate, locations accessible to strategic and principal routes will be favoured. Elsewhere, such development will be resisted.

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

Policy **R10 New Out of Centre Retail Sites** notes that such sites will not be permitted unless a need is identified; it will not impact on other retail centres; location is acceptable in sequential terms; the highway has sufficient capacity and the proposal is fully accessible by sustainable transport modes.

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

3.1.1 **Supplementary Planning Guidance:** Parking Standards (adopted August 2015)

4. **CONSULTATIONS**

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

4.2 SOUTH WALES FIRE AND RESCUE: No response.

- 4.3 HEDDLU – GWENT POLICE (ARCHITECTURAL LIAISON): No response.
- 4.4 NEWPORT CIVIC SOCIETY: No response.
- 4.5 NEWPORT ACCESS GROUP: No response.
- 4.6 NATURAL RESOURCES WALES: No objection.
- 4.7 NETWORK RAIL: No objection. Provide advice regarding demolition, fencing, drainage, ground disturbance, site layout, piling, excavation, signalling, noise, landscaping, scaffolding/cranes, lighting and access points in order to ensure the safe operation of the railway and to protect its adjoining land.
- 4.8 DWR CYMRU – WELSH WATER: No objection, we acknowledge it is proposed to communicate foul only flows to the existing public combined sewer located in Bideford Road and surface water flows to the existing on-site culverted watercourse.
- 4.8.1 An external plant area is proposed within the easement zone of a 9 inch public combined sewer. It is advised that the site layout will need to be altered to accommodate the easement zone of this asset or alternatively the applicant will need to seek to formally divert this asset under Section 185 of the Water Industry Act 1991.
- 4.8.2 The proposed development is crossed by a 100mm distribution watermain. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991.
- 4.9 REGIONAL AMBULANCE OFFICER: No response.
- 5. INTERNAL COUNCIL ADVICE**
- 5.1 HEAD OF CITY SERVICES (DRAINAGE): No response.
- 5.2 HEAD OF CITY SERVICES (ECOLOGY): No objection subject to conditions to secure a Japanese Knotweed management plan and a landscaping plan.
- 5.3 HEAD OF CITY SERVICES (HIGHWAYS): No objection. The following comments are raised:
- I'm satisfied that visibility splays will be achievable in accordance with Manual for Streets subject to a condition which states that no structures of planting will be permitted above a height of 600mm above carriageway level within the splay.
 - The applicant has submitted a swept path analysis to demonstrate that HGV's have to use the opposing lane on Cardiff Road when utilising the existing access. It is recognised that the exiting lawful use of the site is B1, B2 and B8 . It's therefore accepted that this is an existing situation and therefore these type of movements are established.
 - I accept that footways around the site are existing however I find it disappointing that the developer would not increase the width of the footway in order to bring it in accordance with current standards. This would require minimal loss of landscaping area.

- Operational and non-operation parking will not be achievable in accordance with the Newport City Council Parking Standards. The applicant has attempted to justify this by assessing the trip rates to produce a parking accumulation study. I would question the suitability of utilising trip data alone to determine whether sufficient off street parking will be available. The availability of on street parking in this area is limited and parking issues have been previously raised by residents relating mainly to Bideford Road. Parking should therefore be provided in accordance with the Newport City Council Parking Standards
- In regard to operational parking the applicant states that the proposed servicing arrangements are suitable for Lidl store however my understanding is that we're considering the use and not who occupies the premises. It is understood that it is intended to condition a delivery management plan to control deliveries. The delivery management plan must demonstrate how the applicant intends to ensure that only one delivery vehicle will be on site at any one time.
- In regard to Active Travel, the Active Travel Project Officer should be consulted for comment.

5.4 HEAD OF CITY SERVICES (LANDSCAPING): No objection.

5.5 PLANNING POLICY MANAGER (*RETAIL ASSESSMENT*): The independent review has confirmed that the applicants' estimation of population growth and expenditure are reasonable. They do suggest that the turnover and sales floorspace estimates for the existing shops are under estimates (meaning there is even less surplus). Overall it is considered that quantitative need cannot be demonstrated.

5.5.1 The applicants qualitative assessment and sequential test are acceptable. Whilst they cannot demonstrate quantitative need, the impact on the city centre and other defined centres would not be significant. The retail impacts are small and should be offset by the benefits of the proposal.

5.6 PLANNING POLICY MANAGER (*LOSS OF EMPLOYMENT LAND*): Satisfied that criteria ii) iii) and iv) of EM3 can be met. Criterion i) states that the applicant must market the employment land for a minimum of 12 months. This has not been achieved, however the applicant has submitted evidence to suggest that the current buildings are at the end of their lifespan and in need of refurbishment – considering the surplus of existing vacant premises and allocated EM1 land, the applicant believes that the site would be more well suited to redevelopment rather than investing in the existing B-use buildings. Although the applicant has not completely satisfied policy EM3, I think they have presented a reasonable argument to support the redevelopment of the site and loss of B-use land – including the 50 full time jobs which will be created constructing the store and the 45 full time jobs needed to operate the store.

5.7 HEAD OF LAW AND REGULATION (ENVIRONMENTAL. HEALTH): The residential development of Cefn Adda Close / Cefn Adda Court is located on the eastern boundary of the site and there is concern that the noise generating from the external plant compound and the delivery bay where the articulated lorries will unload, are proposed to be located on the eastern side of the Foodstore in the closest position possible to the residential dwellings.

5.7.1 I understand that the noise mitigation condition applied to the Cefn Adda Close residential development, in order to provide a degree of protection from noise sources on the existing site, has not been fully discharged. It is assumed therefore that the

occupiers are reliant on opening the windows for full ventilation / summer cooling to be achieved.

- 5.7.2 In order to minimise impact on nearby residents conditions are recommended requiring noise mitigation measures around the external plant compound, the construction of a 3m high fence along the side and rear boundaries of 1, 7, 9 and 11 Cefn Adda Close, the restriction of store opening hours, the submission of a Construction Environmental Management Plan, details of any external lighting and a scheme for the provision of waste storage and recycling.
- 5.8 HEAD OF LAW AND REGULATION (CONTAMINATION AND AIR QUALITY): No objection. The geo-environmental report has sufficiently risk assessed the site. Conditions to ensure evidence of installation of the proposed upgraded damp proof membrane is submitted, any unforeseen contamination is investigated and remediated and chemical testing of imported material are recommended.
- 5.8.1 To support the uptake of electric vehicles in an effort to improve air quality it is recommended a number of the parking spaces are installed with electric vehicle charging points.
- 5.9 HEAD OF CITY SERVICES (PUBLIC RIGHTS OF WAY): No objection.
- 5.10 REGENERATION MANAGER: No response.
- 5.11 HEAD OF CITY SERVICES (TREE OFFICER): No objection subject to conditions requiring a pre commencement site meeting with the applicant and the tree officer, installation of root protection barriers, the appointment of an arboriculturalist and compliance with the arboricultural method statement.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All neighbours within 50m of the application site were consulted (78 properties), site notices posted and a press notice published in the South Wales Argus. Two representations received which support the provision of a supermarket but raise the following concerns:
- access onto Cardiff Road will be dangerous, there have been many road traffic accidents in the past;
 - the increase in traffic will make it difficult to exit Bideford Road, traffic light management should be used;
 - security lights should be angled away from residential properties;
 - increase in noise levels.
- 6.2 ASDA: Raise a number of concerns in relation to the highway impacts of the proposed development, these concerns are summarised below:
- A fully marked up junction layout should be provided. Notwithstanding this, based on commentary from the Road Safety Audit, it is considered that a speed survey should be undertaken to determine appropriate visibility requirements to ensure safe operation of the proposed site access;
 - Without a restriction on delivery and servicing timings, there would be times of the day at which colleagues, customers and servicing vehicles would access, egress or manoeuvre within the curtilage of the site, thus creating vehicle-vehicle and vehicle-pedestrian conflicts;
 - Auto-tracking provided doesn't reflect the likely arrival and departure routes for service vehicles as set out in the Delivery Management Plan;

- The Transport Assessment includes baseline data gathered when traffic flows would not be considered neutral, as such, it is considered that the impact of the development proposals has not been robustly demonstrated; and
 - The operational assessments should be revisited in light of trip generation and baseline data concerns. The operational assessment should also give greater consideration given to the interaction with nearby junctions, particularly the impact of queuing of vehicles through nearby junctions.
- 6.2 COUNCILLOR STEPHEN MARSHALL: I request that the matter is referred to full planning committee for determination on the following planning grounds:
- The impact on the amenity of the area.
 - The impact of the change of use to a retail site on surrounding businesses and residential properties.
 - Highways concerns regarding a development of this scale adjacent to an already extremely busy highway.
 - Increased vehicular use of both Cardiff Road / Bideford Road and parking.

7. ASSESSMENT

The Site

- 7.1 The site currently has two buildings which accommodate the South Wales Argus offices and the offices and warehouse of DX freight. Both buildings are two storey's in height and are surrounded by hardstanding, which provide car parking and a service yard. DX freight and has a direct acces off Cardiff Road using an in/out arrangement. The South Wales Argus offices are accessed off Bideford Road which runs to the south of the site. To the front of the South Wales Argus building there is a wide grass verge which has a number of trees. There is also a smaller area of vegetation, including trees in the north western corner of the site. To the north of the site is a railway line and bridge over Cardiff Road which carries the Ebbw Vale to Cardiff service. To the rear (east) of the site there are residential properties known as Cefn Adda Close and Cefn Adda Court. To the south of the site there are further residential properties, a community centre and a parade of shops which are defined as a Local Centre in the Newport Local Development Plan.

The proposals

- 7.2 It is proposed to demolish the existing buildings and construct a supermarket (Lidl) in the southern portion of the site. The building would be generally rectangular in shape and would measure 78m in length, 35m in width and 7m in height. It would be finished in white render with metal cladding on the upper sections. There would be full height glazing along the west elevation which would face towards Cardiff Road and a smaller section of glazing and entrance doors in the north entrance. There would be a trolley stand next the entrance and bike stands along the western elevation. It is proposed to have the delivery and servicing entrance along the east elevation with an external plant area behind this delivery entrance. The store would provide a net sales area of 1325 m².
- 7.2.1 140 car parking spaces would be provided in the northern portion of the site. It is proposed to close the existing accesses off Bideford Road and Cardiff Road; and create a new access off Cardiff Road which would be located further south than the existing access.
- 7.2.2 It is proposed to retain the existing grass verge alongside Cardiff Road and also the grass verge which runs alongside Bideford Road. Within these grass verges it is proposed to provide planting beds. There is an existing protected Cherry tree within

the grass verge alongside Cardiff Road which is proposed to be retained. Elsewhere all other existing trees would be removed but new trees would be planted within the grass verges. Additional planting beds would be provided around the periphery of the car park.

Loss of employment land

- 7.3 The application site currently provides employment within both the South Wales Argus offices and the DX freight operations. Policy EM3 states that development proposals promoting alternative uses on existing employment sites will be resisted unless:
- i) The site has been marketed unsuccessfully for employment purposes for a minimum of 12 months;
 - ii) There remains a sufficient range and choice of employment land and premises to meet LDP requirements and local demand;
 - iii) The development has no adverse impact on existing or allocated employment sites;
 - iv) The development has no adverse impact on amenity or the environment.
- 7.3.1 The applicant has provided an assessment of the alternative use of the site. In terms of criteria (ii and iii) the applicants assessment deals with both the B8 (DX freight) use and the B1 (South Wales Argus) use and they also refer to the Employment Land Review (ELR) (2013) which was undertaken to support the then emerging Local Development Plan. In terms of the B8 use the ELR recognises that older accommodation is unlikely to prove attractive as it cannot be easily converted and does not tend to meet the high specification sought, in terms of access, parking and flexibility. The build costs would outweigh the rental returns and as such a B8 use, which meets the standards required would not be a viable option.
- 7.3.2 In terms of the office use the ELR notes that the Newport office market sector is predominantly second hand office accommodation situated both within the city centre and established business park locations. As such, there is a significant amount of competing floor space, much of which is provided at more strategic and sustainable locations and in better condition to that of the existing stock located on the application site. The applicants' market research reveals that around 275,000 sq. ft of purpose built vacant office accommodation remains available in the city centre and business park locations across the Authority.
- 7.3.3 The applicant's assessment concludes that the employment land within this application site amounts to just 0.97 hectares which accounts for a minimal proportion of the overall lands supply (0.55% of the Authority's employment land supply). As such; and having regard to the evidence concerning B1 and B8 uses, the redevelopment of the site for retail use would not harm the choice or range of employment sites available across the Authority. This position and assessment is considered to sufficiently address criteria (ii and iii).
- 7.3.4 In terms of criterion (iv) which requires the proposed development to have no adverse impact on amenity or the environment. These matters are discussed further in paragraphs 7.6 to 7.6.10 and 7.8 to 7.10.1 respectively. The conclusion of those paragraphs is that there would be no adverse impacts and as such, the proposed development satisfies this criterion.
- 7.3.5 In terms of criterion (i) the policy states that the applicant must market the employment land for a minimum of 12 months. This has not been achieved; however, the applicant has submitted evidence to suggest that the current buildings are at the end of their lifespan and in need of refurbishment. When considering the surplus of existing vacant premises and allocated employment land the applicant believes that the site would be

more well suited to redevelopment rather than investing in the existing employment use buildings. Overall it is considered that the applicant has presented a reasonable argument to support the redevelopment of the site and the loss of employment use land. Furthermore 50 full time jobs would be created constructing the store and 45 full time jobs would be created to operate the store. Technical Advice Note 23 (Economic Development), paragraph 4.6.9 supports this approach, as does policy SP18, which supports proposals with regeneration benefits

Retail Impact on defined retail centres

- 7.4 The application site is located outside of any defined retail centre (City Centre, District Centre or Local Centre), although it is located adjacent to the Cardiff Road Local Centre. Policy SP19 states that retail and associated uses best located in a city centre will be subject to an assessment of need if not within a defined centre, and application of the sequential test if not within the city centre. Development will be located according to the following hierarchy of retail centres:
1. Newport City Centre
 2. District Centres (as referenced under policy R6)
 3. Local Centres
 4. Out of Centre retail sites.
- 7.4.1 Policy R10 (New Out of Centre Retail Sites) states that proposals for large scale retail development on sites outside the city centre or district centres will not be permitted unless:
- i) need is identified;
 - ii) the proposed development would not, either in its own right or cumulatively with other out of centre developments, have an adverse effect on defined retail centres as a consequence of the type or range of goods sold;
 - iii) the location is acceptable in sequential terms, or the proposal involves the relocation of an existing out of centre retail facility to a sequentially acceptable site where agreements can control future retail uses on the vacated land;
 - iv) the surrounding highway and transportation network has capacity to serve the development, and that accessing and servicing arrangements can be accommodated in a satisfactory manner;
 - v) the proposal is fully accessible on foot, by bicycle and by public transport.
- 7.4.2 The applicant has submitted a retail assessment which provides an assessment of the quantitative and qualitative need for additional convenience floor space in the western part of Newport. It provides a sequential test of nearby centres to define whether there are more centrally located opportunities that could accommodate the proposed store and it considers the need for the proposed store.
- 7.4.3 In terms of criterion (i) the applicants' retail assessment considers quantitative need in the first instance. It is recognised that the Council's own evidence base retail study (Colliers, 2010) is now out of date and as such the applicant has prepared their own up-to-date assessment which utilises a new survey of household shopping patterns and up-to-date retail expenditure and population forecasts. The Council has commissioned an independent analysis of the applicants' retail assessment. The analysis does not consider that the applicant has demonstrated that there is quantitative capacity or a need for the increase in convenience goods sales floor space proposed and as such the proposal does not comply with criterion (i) of Policy R10 which relates to need.
- 7.4.4 In terms of criterion (i) the qualitative need can be considered. It is recognised that there is an existing Lidl store located within the Mendalgief retail park off Docks Way

and it is the only discount food store in south west Newport. The applicant states that this store is relatively small and does not meet discount food store's current operational requirements or store formats. The existing Lidl store is sub-standard in terms of the range and choice of products and circulation space for customers. It is proposed to close the existing store if planning permission is granted. It is considered that the provision of a larger Lidl store in south-west Newport is a benefit of the application proposal and the applicant has demonstrated to some degree that there is a qualitative need for the proposed store.

- 7.4.5 Criterion (ii) requires the development to not, either in its own right or cumulatively with other out of centre developments, have an adverse effect on defined retail centres as a consequence of the type or range of goods sold. It is considered that the resulting impact on designated centres is unlikely to be significant. It is considered that the impact on the city centre is likely to be very small and not significant. The impact on the nearest district centres is expected to be relatively low, i.e. Asda at Commercial Road District Centre (1.9km away) and Aldi at Malpas District Centre (2.8km away). These centres are a reasonable distance from the proposed new Lidl store and the levels of trade diversion are unlikely to be higher than those envisaged by the applicants' assessment.
- 7.4.6 It is also necessary to consider the impact of the re-occupation of the existing Lidl store on Docks Way (should planning permission be granted). As this unit is not owned by Lidl it is likely that the owners would seek to attract a new retail tenant. This unit has a gross floor space of 960 sq.m gross and it is considered unlikely that the unit would attract an alternative discount food operator as Aldi currently operate larger stores around the size now proposed by Lidl (2,200 sq.m gross). Other out-of-town retailers with a high percentage of convenience goods such as B&M Home store, Home Bargains and Iceland have existing/proposed units nearby. It is also considered that the unit would be too large for convenience store operations such as Tesco Express or Sainsbury's Local and it would be too small for larger food store formats. On this basis it is considered that the most likely scenario is the unit would be occupied by a comparison goods retail warehouse operator. It is considered that the maximum impact on the City Centres comparison goods trade would be around -1.6% and this level of impact would be offset by comparison goods growth and it is not considered to be significant. In this respect it is considered that criterion (ii) is satisfied.
- 7.4.7 Criterion (iii) requires the location to be acceptable in sequential terms. Based on the information provided by the applicant, which is considered to be robust, it is considered there would be no suitable sites within designated centres. The applicant has identified edge-of-centre sites however, these are only sequentially equal to the application site, but not preferable as required by Planning Policy Wales (Edition 10). On this basis it is considered that the application satisfies criterion (iii)
- 7.4.8 Criteria (iv) and (v) which require the proposed development to not result in adverse impacts on the highway network, for acceptable access and servicing arrangements to be provided; and for it to be fully accessible on foot, bicycle and public transport, are discussed in paragraphs 7.5 to 7.5.22. Based on the conclusion of those paragraphs it is considered that criteria (iv) and (v) are satisfied.
- 7.4.9 To summarise, it is considered that the proposed store would offer benefits in terms of demolishing tired and unattractive buildings and replacing them with a development which is visually more attractive; which would provide an uplift to the character and appearance of the surrounding area. It would provide an improved access arrangement, a better range and choice of products and is more likely to retain discount food store trips in west Newport. Whilst a quantitative need has not been demonstrated

and there would be some trade diversion from retail centres, it is considered that the overall retail impacts would be small and would be offset by the benefits of the proposal, which hold significant weight in the determination of this application.

Highways

- 7.5 Policy GP4 requires development proposals to:
- i) provide appropriate access for pedestrians, cyclists and public transport in accordance with national guidance;
 - ii) be accessible by a choice of means of transport;
 - iii) be designed to avoid or reduce transport severance, noise and air pollution;
 - iv) make adequate provision for car parking and cycle storage;
 - v) provide suitable and safe access arrangements;
 - vi) design and build new roads within private development in accordance with the highway authority's design guide and relevant national guidance;
 - vii) ensure that development would not be detrimental to highway or pedestrian safety or result in traffic generation exceeding the capacity of the highway network.
- 7.5.1 The applicant has submitted a Transport Assessment (TA) and a Road Safety Audit which have been independently reviewed on behalf of the Council. Two transport notes have also been produced following the first review of the TA and Road Safety Audit. There are a number of elements to consider in term of the highways impact of the proposed development, these include:
- a) the existing office and proposed impacts of traffic movements on the surrounding road network;
 - b) the closure of an existing access and creation of a new access;
 - c) delivery movements both within the site and when accessing and egressing the site;
 - d) parking provision (non-operational and operational);
 - e) pedestrian access and access for all to and from the site.
- Each of these matters are dealt with in turn.
- a) Existing and proposed impacts of traffic movements
- 7.5.2 The TA calculates that the existing use is capable of generating 106 existing two way trips during the weekday AM peak hour and 76 existing two way trips during the weekday PM peak hour trips. It is also recognised that the existing site generates an unrestricted number of HGV movements which currently use an access which is closer to a railway bridge over Cardiff Road; and where visibility is more impaired than the proposed access.
- 7.5.3 The TA uses the TRICS (Trip Rate Information Computer System) database to estimate proposed site traffic flows. The gross vehicular trips are first calculated and these are based on trips as if they were completely new to the network. A reduction in trip numbers are then applied as it is recognised that the majority of trips will come from trips that are already present on the local road network, accessing similar existing sites in close proximity (such as Harlech Retail Park on Cardiff Road) to the proposed development. Pass-by-trips and diverted trips are also considered in the reduction. The result of these reductions leads to a forecast of 47 two way trips during the AM peak hour, 96 two way trips during the PM peak hour and 131 two way trips during the Saturday peak hour.
- 7.5.4 5 local junctions have also been considered, these are:
- 1 – Pont Ebbw roundabout
 - 2 – Cardiff Road/Harlech Retail park
 - 3 – Cardiff Road/Gaer Road
 - 4 – Belle Vue Lane/Cardiff Road/Mendalgief Road
 - 5 – Cardiff Road/Mon Bank

A traffic survey was undertaken to calculate traffic movements at these junctions and to calculate the peak hour.

- 7.5.5 The TA shows that the busiest highway network period is the weekday PM. It also shows that with the vehicle trips calculated for the proposed development all of the local junctions would only experience a negligible impact during the peak period. Junction capacity analysis has also been undertaken which shows that there is sufficient capacity on the surrounding highway network to cope with the proposed development. Following a review by an independent consultant the Head of City Services (Highways) has no objection to the impact of the proposal on the surrounding highway network. This is in accordance with criterion (vii) of policy GP4.

b) New access

- 7.5.6 It is proposed to close the existing in/out access onto Cardiff Road and create a new access which would be positioned further south than the existing access. In moving the access there would be improved visibility through an increased distance from the railway bridge. Visibility splays of 2.4m x 43m have been demonstrated in line with Manual for Streets. The Head of City Services (Highways) is satisfied with the proposed visibility subject to a condition which prevents any structures or planting being over 600mm above the carriageway within the splays. The proposed access is in accordance with criterion (v) of policy GP4.

c) Delivery movements

- 7.5.7 The applicant anticipates that 1 or 2 deliveries would take place each day. These deliveries would be undertaken by HGV's using the proposed new access. The applicant has submitted swept path analysis which demonstrates that there is adequate room within the site to allow a HGV to turn and access and egress the site in a forward gear.
- 7.5.8 The swept path analysis also reveals that HGV's would have to use the opposing lane on Cardiff Road when exiting the proposed access. Whilst this would normally be considered unacceptable, this is a situation which currently exists from the existing access and due to the current use of the site with no planning control, it is capable of generating higher numbers of large delivery movements (movements are from DX freight who are a logistics and delivery service). The Head of City Services (Highways) accepts that this arrangement is an existing situation and does not object to the application on this basis. It should also be noted that the proposal offers the opportunity to improve the current situation as it would result in fewer HGV movements, which can be regulated via a delivery management strategy; and the new access would provide improved visibility. It is recommended that such a delivery management strategy is secured by a condition. Furthermore, policy T2 states that developments which generate heavy commercial vehicle movements will be favoured in locations which are readily accessible from strategic and principal routes. Cardiff Road is a principal route in and out of the city. Having regard to the above, it is considered that the proposed delivery arrangement, in this particular instance and on balance, satisfies the requirements of criterion (v) of policy GP4 and policy T2.

d) Parking provision

- 7.5.9 The application site lies within parking zone 3 and as set out in the adopted Parking Standards Supplementary Planning Guidance 3 no. operational vehicle spaces would be required and 1 non-operational space per 14m² for staff and customers, which equates to 152 parking spaces. The proposed development would provide 140 spaces which represents a shortfall of 12 spaces.

- 7.5.10 The Head of City Services (Highways) is not satisfied with the under provision of parking spaces and notes that the availability of on-street parking in the surrounding area is limited. The applicant has sought to justify the shortfall in provision by assessing the trip rates to produce a parking accumulation study. This study is noted however; it is specifically based on the customer movements of a Lidl store. Whilst it is clear that the intended occupier of the proposed store is Lidl it cannot be guaranteed that it would remain as such in the future, where customer movements may differ.
- 7.5.11 Notwithstanding the above it is recognised that throughout Planning Policy Wales (Edition 10, December 2018) there are key messages that we should be moving away from car dominated developments. In particular paragraph 4.1.51 states that 'A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed.
- 7.5.12 It is considered that the application site is in a sustainable location. There are pedestrian links to neighbouring residential developments and there are frequent bus services which operate along Cardiff Road. It is reasonable to assume that a number of customers would access the site by foot or by using public transport. It is also reasonable to consider that there would be a reduction in parking demand as a result of this. The applicant has also offered to upgrade the nearby bus stops on Cardiff Road. It is understood that the bus stop on the southern side of Cardiff Road is already due to be upgraded by the Council however, the applicant would fund a bus shelter on the northern side of Cardiff Road. The provision of this bus shelter can be secured via a condition as the works would take place within the adopted highway; and it can be delivered through a S278 or S111 (of the Highways Act 1990) agreement.
- 7.5.13 Given the sustainable location of the proposed development, the sustainability enhancements offered by the applicant and the objectives within Planning Policy Wales to move away from car dominated developments, it is considered that the shortfall of 12 parking spaces can be justified in this particular instance.
- 7.5.14 The Parking Standards SPG also requires 3 no. operational spaces to be provided. The applicant is proposing to provide one space within the delivery area at the eastern portion of the building. This would be 25m long and capable of fully accommodating a HGV vehicle without obstructing customer parking. The applicant has stated that they anticipate that 1 or 2 deliveries would take place each day. Deliveries typically take 1 hour and as such the provision of 3 spaces would not be necessary. In order to control this, it is recommended that a delivery management plan is secured by a condition.
- 7.5.15 Overall and considering the above factors it is considered that the proposed development would provide an adequate provision of parking, which is in accordance with criteria (ii) and (iv) of policy GP4.
- e) Pedestrian and bicycle access
- 7.5.16 To improve pedestrian accessibility to the site the applicant proposes to provide tactile paving and dropped kerb crossings at the site access and the Cardiff Road/Bideford Road junction (this latter crossing can be secured via a condition and delivered through a S278 or S111 agreement). It is also proposed to provide a pedestrian link from the site to the western end of Bideford Road. These measures are welcomed.

- 7.5.17 The site is surrounded by existing footpaths on Bideford Road and Cardiff Road. These footpaths are generally around 1.8m in width, although there are places where they are only 1.5m in width and can be as wide as 3.3m. The Head of City Services (Highways) has requested the applicant to upgrade the width of the footway which abuts the site to be upgraded to 2m in width in order to bring it in accordance with current standards, the applicant has resisted these upgrade works. They acknowledge that new footway provision should be 2.0m wide however, they consider that as the footways are established and are consistent with the wider network, minor width increases are unlikely to have a material beneficial impact on pedestrian travel associated with the store. On balance, whilst it is considered desirable to increase the width of the footways, these footways are existing. It is considered in this particular instance that the lack of an upgrade to the pavement would not significantly impact pedestrian safety.
- 7.5.18 It is proposed to provide 20 cycle stands which is in excess of the Parking Standards SPG, which requires 10 spaces. It is recommended to secure the provision of these stands through a condition.
- 7.5.19 Overall, it is considered that the proposed development would provide adequate pedestrian and cycle facilities, which is in accordance with criteria (i) and (iv) of policy GP4.
- 7.5.20 The Head of City Services (Highways) has commented that active travel needs to be considered. The applicant has responded to this and states that “active travel has been fully considered in the TA which demonstrates that the site lies within close proximity to large residential catchments and other complimentary uses, which are all within acceptable walking distance of the site. There is also a controlled crossing on Cardiff Road, which provides safe passage for pedestrians. The site also connects directly with the adjacent footway provision and as such continual connectivity exists. Furthermore, the development proposal includes the provision of dropped kerbs and tactile paving at the site access and across Bideford Road which will improve accessibility for mobility impaired users. Internally, the site provides pedestrian links which cater for key desire lines and a formal crossing to reduce vehicular speeds and assist pedestrian safety. Cycling is on-carriageway close to the site, yet within 650m, there is a traffic free cycle route. The proposal includes generous cycle parking provision to help cater for and encourage cycling and a new bus shelter to encourage non-car travel. It is therefore considered that the implications of the scheme upon active travel has been adequately addressed.
- 7.5.21 The comments received from ASDA regarding highway matters are acknowledged, however these were provided following the submission of the first Transport Assessment. An amended TA and Transport Notes have been submitted since these comments were made; and no further comments have been made. It is considered that the concerns raised by ASDA have been adequately addressed in the TA and Transport Notes.
- 7.5.22 Having regard to all highway matters and the existing uses within the site, it is considered that the proposed development, on balance, satisfies criteria of policies GP4, T2 and EM3 (iv).

Noise and residential amenity

- 7.6 There are residential properties to the east of the application site (Cefn Adda Close and Cefn Adda Court) and also to the south on the other side of Bideford Road. The closest properties to the proposed development would be 1, 7, 9 and 11 Cefn Adda Close. These properties would lie in close proximity to the proposed external plant

compound and the delivery area. Planning permission (reference 13/0830) was granted for these properties and the wider scheme; and noise mitigation measures were required through conditions given their proximity to the DX freight operation. The conditions required the erection of a 3m high acoustic fence and the provision of sound insulation measures, including measures to ensure habitable rooms can be ventilated without opening windows.

- 7.6.1 The acoustic fence condition was discharged and the fence was erected along the boundaries of 1-10 (inclusive) Cefn Adda Court, a parking court associated with 15, 17 and 19 Cefn Adda Close and the side boundary of 11 Cefn Adda Close. The fence does not extend to the rears of 1, 7, 9 and 11 Cefn Adda Close.
- 7.6.2 The condition relating to sound insulation and ventilation measures was not discharged. The site has been completed. As a result, it is not known whether the affected properties have been completed with such measures. When assessing the impact of the proposed development the worst case scenario is considered, namely that the occupiers are reliant on opening windows for full ventilation and summer cooling.
- 7.6.3 The applicant has submitted a noise assessment and two additional notes. There are two noise generating elements of the proposed scheme, they are the external plant compound and noise from delivery operations. It is also recognised that the existing site has noise generating activity associated with the delivery operations of DX freight. These delivery operations at DX freight are unrestricted with no control over the number of deliveries or the hours of operation.

External Plant Compound

- 7.6.4 The noise assessment shows that the cumulative noise level from the plant compound at the rear elevation of the nearest dwelling is predicted at 39 dB LAeq(15mins). The assessment provides that this is slightly less than existing daytime levels 43dB LA90(1 hour) and the same as night time levels 39dB LA90 (15 min) based on a background survey undertaken between 25th and 27th May 2018.
- 7.6.5 The assessment states that the plant noise will be continuous 24/7 and the Councils Environmental Health Officer is concerned that while existing background levels can be expected to drop from time to time e.g. summer evening/ nights during periods of minimal activity, the plant noise will ensure that a constant noise level is maintained at all times. The plant noise hum is not an existing noise source and has the potential to be audible within the boundary of residential dwellings.
- 7.6.6 It is noted that a 3m close boarded fence is proposed around the plant compound but the Councils Environmental Officer requires further steps to be undertaken to improve the enclosure and reduce the potential for noise impact at the nearest residential property. A condition is recommended requiring details of additional noise mitigation measures to be provided around the external plant compound. This would ensure that the plant compound would not result in an unreasonable harm to the amenities of neighbouring properties.

Delivery Operation

- 7.6.7 The noise assessment states that the existing delivery noise of DX freight is on average 63dB. The proposed delivery noise level is 53dB which is 10dB less than currently exists. This is still substantially higher than the existing background day time given as 43dB LA90 (15mins) and night time level given as 39dB LA90 (15 min).

- 7.6.7 As the nearest residents have the potential to open their windows the applicant has been asked to submit a further noise report to show the noise levels affecting internal dwelling areas with the windows open. This has not been provided as the applicant considers that the existing delivery noise justifies an acceptable proposed impact on neighbouring occupiers.
- 7.6.8 On the basis that the nearest residents have the potential to open their windows, the Councils Environmental Health Officer considers that there will be the potential for delivery noise to be audible internally at the nearest properties. It is considered that the Lidl delivery process would still result in a significant increase in the background levels with the potential for substantial disturbance to occur particularly from delivery activity undertaken during evening / night hours. It is therefore considered reasonable to require the applicant to provide a delivery programme and to extend the 3m high acoustic fence along the rear boundaries of 1, 7, 9 and 11 Cefn Adda Close. It is considered that with the imposition of these conditions the residential amenities of the affected properties would be protected.
- 7.6.9 The position of a 3m high fence along the rear and side boundaries of the affected properties are not considered to result in an adverse impact on their residential amenities in terms of loss of light or overbearing impact.
- 7.6.10 The Councils Environmental Health Officer also considers it necessary to impose conditions requiring the restriction of store opening hours (08:00 to 22:00 Mon to Sat and 10:00 to 16:00 Sunday, Public and Bank Holidays), the submission of a Construction Environmental Management Plan, details of any external lighting and a scheme for the provision of waste storage and recycling. With these controls in place it is considered that the residential amenities of neighbouring occupiers would be protected, which is in accordance with policies GP2, GP7 and EM3 (iv).

Design

- 7.7 The existing buildings are utilitarian in appearance and are not considered to provide a positive contribution to the character and appearance of the surrounding area, especially since they are publically prominent fronting a principal transport route (Cardiff Road) and junction leading to Bideford Road which provides access to a new housing estate. It is considered that the demolition of these buildings and the construction of a modern purpose built building would have a positive visual impact on the surrounding area; and would provide regeneration benefits in accordance with policy SP18. The proposed materials are considered to be suitably contemporary and fit with the simple form of the proposed building. In terms of height, the store would be single storey and would not be overly prominent. Its scale is comparable to the neighbouring residential properties. The proposed building would also provide full height glazing along the western elevation which faces towards Cardiff Road. This would provide a welcomed active frontage to Cardiff Road.
- 7.7.1 Subject to a condition requiring the submission of materials and finishes it is considered that the proposed development would result in a positive visual impact on the surrounding area.

Landscaping and trees

- 7.8 The existing site has grass verges and trees along Cardiff Road and Bideford Road. These areas help to soften the otherwise utilitarian and poor quality buildings within the site. It is proposed to retain these grass verges, which is welcomed. The applicant has submitted a landscape plan and a 5-year management plan. The landscape plan details proposals to introduce further areas of landscaping around the periphery of the car park which is considered to soften the appearance of a large expanse of

hardstanding. The Councils Landscape Officer has no objection to the proposed landscaping scheme and management plan.

- 7.8.1 There is a protected Cherry tree within the grass verge alongside Cardiff Road. It is proposed to retain this tree. The Councils Tree Officer has no objection to the proposed development subject to conditions requiring a pre commencement site meeting with the applicant and the tree officer, installation of root protection barriers, the appointment of an arboriculturalist and compliance with the arboricultural method statement. These conditions are recommended, save for the pre commencement site meeting which would form an informative.

Ecology and protected species

- 7.9 The applicant undertook a preliminary ecological appraisal and a preliminary bat roost assessment in June 2018. The results of these studies found that the site does not support and important habitats and has very little potential to support protected species. However, one building showed limited potential to support roosting bats. Japanese knotweed was found on the site. The applicants undertook a further bat observation study in August 2018. This study found no evidence of roosting bats on the site and it identified very low levels of bat activity around the site. No further recommendations were made; and both the Councils Ecology Officer and Natural Resources Wales have no objection to the proposed development subject to conditions to secure a Japanese Knotweed management plan and a landscaping plan. Since a landscape plan and management plan have already been submitted with the application which meet the requirements of the Councils Landscape Officer it is only considered necessary to impose a condition requiring their implementation.

Contamination and air quality

- 7.10 The applicant has submitted a geo-environmental report with the application. The Councils Scientific Officer has reviewed this report and considers that it has sufficiently risk assessed the site. Conditions are recommended to ensure evidence of the installation of an upgraded damp proof membrane (as recommended in the geo-environmental report) is submitted, any unforeseen contamination is investigated and remediated; and details of chemical testing of imported material are submitted prior to their use.
- 7.10.1 The Scientific Officer also recommends that a number of parking spaces are installed with electric vehicle charging points to support the uptake of electric vehicles; and in an effort to improve air quality. A condition is recommended to secure this.

Foul and surface water drainage

- 7.11 The applicant has submitted a Flood Consequences Assessment and a drainage strategy. The site is partly within Zone B flood risk area, TAN 15 generally permits development in such areas. The assessment concludes that surface water and sewer flooding are the main potential sources of flood risk. It is proposed to discharge surface water to a culverted watercourse which crosses the north eastern extent of the site. Attenuation storage in the form of a below ground tank beneath the car park would be used to restrict the discharge rate. It is proposed to discharge foul drainage to the public sewer in Bideford Road. Welsh Water has confirmed that both methods are acceptable. They recommend a condition to ensure that no surface water connects with the public sewerage network.
- 7.11.1 Welsh Water also advise that the site is crossed by a public sewer and that the proposed external plant area would be within the easement zone of this sewer. They advise that the applicant would need to seek to formally divert this asset under Section

185 of the Water Industry Act 1991. An informative is added to alert the applicant to this.

Other matters

- 7.12 There is a railway line which runs to the north of the application site. The embankment of this railway line abuts the application site. Network Rail has no objection to the proposal however, they advise that demolition works, construction works involving certain types of piling must be carried out in accordance with an agreed method statement; and the approval of the method statement must be obtained from the Network Rail Asset Protection Engineer prior to the commencement of demolition works. As the method statement is required to ensure the works do not endanger the safe operation of the railway, there is a public interest and as such a condition is imposed requiring this statement.
- 7.12.1 Network rail also require the applicant to provide trespass proof fence adjacent to their boundary to prevent encroachment upon their land. They also state that all excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. Network Rail also advise that any plant or scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. These are considered to be private asset matters and not in the public interest, as such they fall outside of the planning remit.
- 7.12.2 Network Rail state that any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. As the proposed car park and store would be located below the railway line it is not considered that there would be any impacts on the vision of approaching trains or signalling arrangements.

8. OTHER CONSIDERATIONS

8.1 *Crime and Disorder Act 1998*

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

8.2 *Equality Act 2010*

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

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

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

9. CONCLUSION

9.1 The proposed development is considered to be acceptable. It is considered that the proposed store would offer significant regeneration benefits in terms of removing unattractive buildings and providing a visual uplift to the surrounding area, through a modern building and attractive landscaping. The proposed scheme also offers an improved access, a new bus shelter on Cardiff Road, improved pedestrian crossing points; and control over delivery and operational hours; and the number of HGV movements. Despite there not being a quantitative need, in retail terms, for the proposal, it is considered that the proposed development can offer a degree of qualitative benefits and the evidence demonstrates that there would be negligible harm to the defined and protected retail centres. It is considered that with the imposition of the conditions listed below the proposed development would not result in harmful impacts on highway and pedestrian safety, residential amenity, visual amenity, drainage, landscape features, ecology and public health and safety. It is recommended that planning permission is granted with conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development hereby approved shall be implemented in accordance with the following documents and drawings:

5919-BR-00-DR-A 010001 rev 1 – Site Location Plan
5919-BR-00-DR-A-010009 – Existing Site Plan
5919-BR-00-DR-A-010008 – Demolition Plan
5919-BR-00-DR-A-010002 rev 6 – Proposed Site Layout Plan
5919-BR-00-DR-A-010001 rev 3 – Aerial View
5919-BR-00-DR-A-010003 – Proposed Store Layout Plan
5919-BR-00-DR-A-010004 – Proposed Roof Plan
5919-BR-00-DR-A-010005 – Proposed Elevations

5919-BR-00-DR-A-010006 – Proposed Section
5919-BR-00-DR-A-010007 rev 2 – Proposed External Works Plan

17108/T&S/01-01 Rev A – Topographical & Services Survey

2018/.85 rev A – Existing Landscape Overlay
2018/.86 – Landscape Proposals
Planting Schedule (received 26 September 2018)
Landscape 5 Year Management Plan (Corscadden Associates, September 2018)

2018/.84 rev A – Existing Features and Tree Protection Plan
Tree Root Inspection (TDA, September 2018)
Arboricultural Method Statement (TDA, September 2018)

Noise Assessment (Acoustic Consultants, July 2018)
Letters from Acoustic Consultants (25th November 2018 and 24th January 2018)

Transport Assessment Rev B (Corun, October 2018)
Transport Note (Corun, December 2018)
Transport Note (Corun, February 2019)
Stage 1 Road Safety Audit (September 2018)

Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment
(Hawkeswood Ecology, June 2018)
Bat Observation Report (Hawkeswood Ecology, August 2018)
Phase 1 Geo-Environmental Report (Obsidian, May 2018)
Geo-Environmental Investigation Report (Obsidian, August 2018)
Flood Consequences Assessment & Drainage Strategy (Waterco, June 2018)

Pre- commencement conditions

02 Demolition shall be carried out in accordance with a method statement which shall first be submitted to and approved in writing by the Local Planning Authority. The method statement shall set out measures to protect the safe operation of the railway and its structures.
Reason: To protect the health and safety of railway users, in accordance with policy GP7.

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

- a) dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition Activities;
- b) wheel wash facilities;
- c) noise mitigation measures;
- d) measures to minimise the impact on air quality;
- e) details of temporary lighting;
- f) details of enclosure of working areas;
- g) details of contractor parking areas and construction site accesses;
- h) details of delivery routes and phasing/programming of site works;
- i) a drainage strategy to operate setting out controls of contamination, including controls to surface water runoff, water pumping, storage of fuels and hazardous materials, spill response plans and pollution control measures.
- j) pollution prevention and contingency measures.

Development works shall be implemented in accordance with the approved CEMP.
Reason: In the interests of amenities and highway/pedestrian safety; and in accordance with policies GP2, GP4 and GP7.

04 No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until the Root Protection Barrier fencing has been installed in accordance with the approved Tree Protection Plan i.e. the Arboricultural Method Statement (TDA – September 2018). No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area.

Reason: To protect important landscape features within the site, in accordance with policy GP5.

05 No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until all weather notices on Heras fencing (1 per 10 panels) stating 'CONSTRUCTION EXCLUSION ZONE NO ACCESS' have been erected. The fencing shall be retained for the full duration of the development, and shall not be removed or repositioned.

Reason: To protect important landscape features within the site, in accordance with policy GP5.

06 No development, to include demolition, shall commence until an Arboriculturalist has been appointed to oversee the project (to perform a Watching Brief) for the duration of the development and who shall be responsible for -

- (a) Supervision and monitoring of the approved Tree Protection Plan;
- (b) Supervision of the alteration or temporary removal of any Barrier Fencing;
- (c) Oversee working within any Root Protection Area;
- (d) Reporting to the Local Planning Authority;
- (e) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Local Planning Authority.

Reason: To protect important landscape features within the site, in accordance with policy GP5.

07 No development shall commence until details of the damp proof membrane to be installed within the building hereby approved has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of public safety due to ground contamination.

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

Reason: To ensure that the development is completed in a manner compatible with its surroundings; and in accordance with policies GP2 and GP6.

09 No development shall commence until a detailed method statement for removing or the long-term management/control of invasive species has been submitted to and

approved in writing by the Local Planning Authority. The method statement shall include measures that

will be used to prevent the spread of invasive species during any operations. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000). Development shall proceed in accordance with the approved method statement.

Reason: In the interests of ecology/biodiversity; and in accordance with policy GP5.

Prior to beneficial use conditions

10 Prior to the beneficial use of the food store and the use of any equipment in the external plant compound the details of a 3 metre acoustic fence (the location of which is shown on drawing 5919-BR-V01-00-DR-A-010007 rev 4) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include samples of its materials. The acoustic fence shall be erected prior to the beneficial use of the food store and use of any equipment in the external plant compound and shall then be retained in perpetuity thereafter.

Reason: In order to protect residents from noise nuisance and in the interests of visual amenity; and in accordance with policies GP2, GP6 and GP7.

11 Prior to beneficial use of any equipment in the external plant compound noise mitigation measures shall be installed in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The noise mitigation measures shall be retained thereafter in perpetuity.

Reason: In order to protect residents from noise nuisance, in accordance with policies GP2 and GP7.

12 Prior to the erection or installation of any external lighting on site, full details of that lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall then be installed in accordance with the approved details. The approved lighting shall be maintained for the duration of their use.

Reason: To protect the residential amenities of neighbouring occupiers, in accordance with GP2 and GP7.

13 Prior to the beneficial use of the food store waste storage and recycling facilities shall be provided in accordance with a scheme which shall first be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be maintained for the duration of the use.

Reason: To protect the residential amenities of neighbouring occupiers and the wider environment; and in accordance with policies GP2, GP6 and GP7.

14 Prior to the beneficial use of the food store a bus shelter shall be provided on the northern side of Cardiff Road (to the South of the application site) in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The details shall include the precise location of the bus shelter and its design, appearance and dimensions.

Reason: In the interests of sustainable development and in accordance with policies SP1 and GP4.

15 Prior to the beneficial use of the food store tactile paving and dropped kerb crossings at the Cardiff Road/Bideford Road junction (as shown on drawing 5919-BR-

V01-00-DR-A-010007 rev 4) shall be provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainability and pedestrian safety; and in accordance with policies SP1 and GP4.

16 Prior to the beneficial use of the food store the parking areas shown on the approved drawings shall be implemented and permanently demarcated on the ground and available for use thereafter. The parking areas shall be retained in accordance with the approved details.

Reason: To ensure adequate parking is provided on site in the interests of highways safety and in accordance with policies GP4 and T4.

17 Prior to the beneficial use of the food store a proportion of parking spaces shall be fitted with electric vehicle charging points in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The details shall include the proportion of parking spaces to be fitted with the charging points. The charging points shall be retained thereafter in perpetuity.

Reason: In the interests of sustainability and air quality; and in accordance with policies SP1 and GP7.

18 Prior to the beneficial use of the food store the cycles stands as shown on the approved drawing (5919-BR-V01-00-DR-A-010007 rev 4) shall be provided and retained thereafter in perpetuity.

Reason: To ensure adequate cycle parking is provided and in the interests of sustainability; in accordance with policies SP1 and GP4.

General conditions

19 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with and a timetable for implementation. The remediation strategy shall be implemented in accordance with the approved strategy and timetable. Following remediation and prior to the beneficial use of the food store hereby approved, 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; and in accordance with policy GP7.

20 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; and in accordance with policy GP7.

21 Surface water drainage shall discharge to the culverted watercourse that crosses the north-eastern extent of the application site at a maximum rate of 13.5 l/s. No surface water and/or land drainage shall connect directly or indirectly with the public sewerage network.

Reason: To ensure adequate drainage is provided and to prevent hydraulic overloading of the public sewerage system; and in accordance with policy GP3.

22 Foul water drainage shall connect to the public combined sewer.

Reason: To ensure adequate drainage is provided in accordance with policy GP3.

23 The food store opening hours shall be restricted to 08.00 to 22:00 Monday to Saturday, 10:00 to 16:00 Sunday, Bank and Public Holidays. Outside of these hours the premises shall be vacated and closed to the public.

Reason: In order to protect residents from noise nuisance, in accordance with policies GP2 and GP7.

24 There shall be no arrival, departure, loading or unloading of store delivery vehicles between the hours of 20:00 and 7.00am Monday to Saturday and 17:00 and 8:00am Sunday and Bank and Public Holidays.

Reason: In order to protect residents from noise nuisance, in accordance with policies GP2 and GP7.

25 The food Store hereby approved shall operate in accordance with the delivery management plan contained within Appendix B of the Transport Assessment (Corun, June 2018).

Reason: In order to protect residents from noise nuisance, in accordance with policies GP2 and GP7.

26 The gross internal floor space of the food store hereby approved shall not exceed 2,122 square metres and the net internal sales floor area shall not exceed 1,325 square metres.

Reason: To ensure that the floor space of the unit is controlled in the interest of maintaining the vitality and viability of sequentially preferable retail centres; and in accordance with policies SP19 and R10.

27 The building hereby approved shall be used for a food store only and for no other purpose (including any other purpose in Class A1 of the Schedule of the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order).

Reason: in the interest of maintaining the vitality and viability of sequentially preferable retail centres; and in accordance with policies SP19 and R10.

28 No structures, planting or vegetation shall be permitted above a height of 600mm above carriageway level within any visibility splays as shown in drawing PL02 contained within Transport Note (Corun, 12th December 2018).

Reason: In the interests of highway and pedestrian safety, in accordance with policy GP4.

29 The development shall be carried out in full compliance with the Arboricultural Method Statement as submitted by TDA, September 2018.

Reason: To protect important landscape features within the site, in accordance with policy GP5.

30 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order), Schedule 2, Part 2, Class A, no wall, fence, gate, hedge or other means of enclosure, other than those shown on the approved plans, shall be erected or planted.

Reason: In the interests of the visual amenities of the area; in accordance with policies GP2 and GP6.

31 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order), Schedule 2, Part 2, Class B, other than those shown on the approved plans, there shall be no formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road.

Reason: In the interests of highway and pedestrian safety; and in accordance with policy GP4.

32 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment)(Wales) Order 2014 (or any Order revoking or re-enacting that Order), Part 42, Classes A, B and C, no extensions or alterations shall be erected or made; and there shall be no erection of a trolley store, refuse or cycle store, other than those shown on the approved plans.

Reason: To ensure that the floor space of the unit is controlled in the interest of maintaining the vitality and viability of defined retail centres; and in the interests of highway safety, residential amenity, visual and landscape amenity; and in accordance with policies GP2, GP4, GP5, GP6, SP19 and R10.

33 There shall be no subdivision of the food store hereby approved.

Reason: To ensure that the floor space of the unit is controlled in the interest of maintaining the vitality and viability of defined retail centres; and in the interests of highway safety, residential amenity, visual and landscape amenity; and in accordance with policies GP2, GP4, GP5, GP6, SP19 and R10.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP19, GP2, GP3, GP4, GP5, GP6, GP7, EM3, T4, R10 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 Council's Supplementary Planning Guidance – Newport Parking Standards was Adopted (August 2015) following consultation and is relevant to the determination of this application.

04 As all bats are protected under Regulation 41 of The Conservation of Habitats and Species Regulations 2010 and section 9 of the Wildlife and Countryside Act 1981 it is an offence for anyone intentionally to kill, injure or handle a bat. Therefore, if a bat is encountered all work must stop immediately and a qualified ecological consultant or Natural Resources Wales must be contacted immediately

05 The applicant will be required to enter an agreement under Section 111 or 278 of the Highways Act, 1980 to facilitate the off-site highway works.

10 The amended Wildlife and Countryside Act 1981 protects bird species whilst nesting in the UK. This protection extends to a bird, its nest, eggs, and young until such time as the young have fledged. Vegetation clearance should proceed outside the peak bird-breeding season (generally considered to be March through August inclusive) or

within the breeding season only if a pre-clearance survey shows no breeding birds to be present, nesting or commencing nesting within the vegetation to be affected.

11 The applicant may need to seek to formally divert the existing public combined sewer asset under Section 185 of the Water Industry Act 1991.

12 The applicant may need to apply to Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain or via a new sewer. It is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991).

13 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), should commence on site in connection with the development until the a pre commencement site meeting has taken place with the Local Authority Tree Officer, Tree Consultant and Site Manager.

APPLICATION DETAILS

No: 3 **18/1169** **Ward: VICTORIA**

Type: **FULL (MAJOR)**

Expiry Date: **7-MAR-2019**

Applicant: **JEHU GROUP**

Site: **LAND TO SOUTH OF CYRIL STREET, COVERACK ROAD, NEWPORT**

Proposal: **ERECTION OF 1NO. FIVE STOREY APARTMENT BLOCK AND 1NO. 6 STOREY APARTMENT BLOCK COMPRISING 76NO. ONE AND TWO BEDROOM DWELLINGS WITH CAR PARK AND ASSOCIATED WORK**

Recommendation:

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

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the erection of 2no. residential apartment blocks containing a total of 76no. one and two bedroom apartments.
- 1.2 The site is located between the riverside walkway at Coverack Road and Cyril Street and the listed Geroge Street Bridge Lies immediately to the south of the site. The City Vizion development lies to the north-east of the site.
- 1.3 The proposed residential blocks are 5 and 6 storeys in height with the main elevations facing south-west and overlooking the River Usk and north-east, towards Cyril Street. It is allocated within the adopted LDP for 38 units. The proposed scheme is for 76 units. The higher density is acceptable and the design is in keeping with the other development along the River Usk. The 5 storey block will comprise 32 units with 15no. 2 bedroom flats and 17no. 1 bedroom flats. The eastern most block will comprise 6 floors of exclusively affordable housing and will contain 44 flats, 14no. 2 bedroom units and 30no. 1 bedroom units. Each unit will comprise a kitchen/living/dining area, bathroom and store cupboard with many having access to a balcony or terrace.
- 1.4 The site is previously developed land within the defined settlement boundary. Historically it contained a paint mill, which has now been demolished and it has been subject to unauthorised tipping in recent years. Its redevelopment is therefore acceptable in principle subject to satisfying any development constraints associated with the site. The provision of 76 dwellings would contribute to the LDP's housing requirement as well as contributing towards the affordable housing provision in Newport with 58% of the units being affordable. The proposed density exceeds the minimum density of 30 dwellings per hectare and proposes a mix of units to meet different needs of the community and therefore satisfies the requirements of Policy H3 – Housing Mix and Density.
- 1.5 Planning permission was originally granted under 09/1243 in 2013 for 2no. apartment blocks (3 and 4 storeys) on the application site comprising 38no. one, two and three bedroom dwellings. A planning application has been submitted (17/1026), to extend

the time period for commencement for this application for a further 5 years for determination under delegated powers.

- 1.6 Key considerations in this application will be the overall impact of the design and its relationship to the waterfront and River Usk Special Landscape Area, access to the riverside walkway, the impact on the River Usk SAC and SSSI, parking and highways access including for emergency and refuse vehicles, waste storage and collection, the impact on George Street Bridge, residential amenity and flood risk.
- 1.7 At the time of writing, matters relating to waste storage and collection had not been resolved, Updates on this will be provided via late representation report or verbally at the meeting.

2. RELEVANT SITE HISTORY

02/0900	RESIDENTIAL DEVELOPMENT (OUTLINE) AFFECTING PUBLIC FOOTPATH 411/1	WITHDRAWN
07/0055	PROPOSED MIXED USE DEVELOPMENT INCLUDING 486 RESIDENTIAL UNITS, RIVERSIDE WALK AND RIVER DEFENCE WORKS; COMMERCIAL DEVELOPMENT; CONDITIONS CAR PARKING AND NEW PUBLIC AREAS; AFFECTING A PUBLIC RIGHT OF WAY 411/1(VICTORIA).	GRANTED WITH CONDITIONS
09/1243	DEMOLITION OF EXISTING INDUSTRIAL UNIT AND ESTATE YARD AND CONSTRUCTION OF 38NO. 1, 2 AND 3 BEDROOM APARTMENTS AND MAISONETTES IN 3/4 STOREY STRUCTURE WITH ASSOCIATE CAR AND CYCLE PARKING	GRANTED WITH CONDITIONS
17/1026	VARIATION OF STANDARD CONDITION (TIME FOR COMMENCEMENT) FOR PLANNING APPLICATION 09/1243 DEMOLITION OF EXISTING INDUSTRIAL UNIT AND ESTATE YARD AND CONSTRUCTION OF 38NO. 1, 2 AND 3 BEDROOM APARTMENTS AND MAISONETTES IN 3/4 STOREY STRUCTURE WITH ASSOCIATE CAR AND CYCLE PARKING	PENDING

3. POLICY CONTEXT

- Policy **SP1 Sustainability** favours proposals which make a positive contribution to sustainable development.
- Policy **SP3 Flood Risk** ensures development is directed away from flood risk areas.
- Policy **SP4 Water Resources** favours developments that minimises water consumption, incorporates SUDs and generally manages water resources and drainage effectively.
- Policy **SP8 Special Landscape Area** restricts development that may impact on the characteristics of the six designated Special Landscape Areas.
- 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 **SP10 Housing Building Requirements** 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 **SP13 Planning Obligations** enables contributions to be sought from developers that will help deliver infrastructure which is necessary to support development.
- SP18 Policy **SP18 Urban Regeneration** supports development which assists the regeneration of the urban area, particularly the city centre and the reuse of vacant, underused or derelict land.
- Policy **GP1 General Development Principles – Climate Change** states that development should be designed to withstand predicted climate change and reduce the risks and consequences of flooding, minimise energy requirements, reuse/recycle construction material and meet the relevant BREEAM or Code for Sustainable Homes Level.
- Policy **GP2 General Development Principles – General Amenity** states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
- Policy **GP3 General Development Principles – Service Infrastructure** states that development will only be provided where necessary and appropriate service infrastructure either exists or can be provided. This includes power supplies, water, means of sewage disposal and telecommunications.
- 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 **CE1 Routeways, Corridors and Gateways** lists routes/corridors (M4, London to South Wales Railway, A449, A4042, A455, A4042, A48, A48(M), Monmouthshire and Brecon Canals) (plus other principal transport routes in the area) which are important main routes in the area. Any proposals that are located on or highly visible from these routes must seek to improve the general environment and help to create attractive gateways into the City.

- Policy **CE2 Waterfront** states that development in a waterside location should integrate with the waterway and not turn its back on it.
- Policy **CE8 Locally Designated Nature Conservation and Geological Sites** includes the protection of Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNRs) and Regionally Important Geological/Geomorphological Sites (RIGS). The policy limits development affecting these sites unless there would be no significant impact or appropriate mitigation/compensation can be agreed.
- Policy **H1 Housing Sites** lists sites allocated for residential development within the plan period.
- Policy **H2 Housing Standards** promotes high quality design taking into consideration the whole life of the dwelling.
- Policy **H3 Housing Density** seeks a density of at least 30 dwellings per hectare on sites of 10 dwellings or more.
- 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 **T4 Parking** states that development will be expected to provide appropriate levels of parking.
- Policy **CF4 Riverfront Access** promotes footpaths and cycle routes to and along the River Usk.
- Policy **W3 Provision for Waste Management Facilities in Development** states that where appropriate, facilities for waste management will be sought on all new development.

4. CONSULTATIONS

- 4.1 DWR CYMRU WELSH WATER: Capacity exists within the public sewerage network to accept the foul only flows from the proposed and therefore Dwr Cymru Welsh Water has no objections to this application. They acknowledge the developer has submitted a Drainage Strategy Report (Aug 2018 - Revision 1). Having reviewed this report, acknowledge the developer is still currently investigating various options for sustainable surface water disposal (including discharge to the existing water course via a new headwall) and therefore a detailed drainage strategy has not been submitted with this application. Having also reviewed the 'Proposed Site Plan with Utilities Apparatus' (drawing DP 112 Rev G) it is noted that the site is crossed by an existing Combined Sewer Overflow (48 x 32 inches in diameter) and this has been taken into consideration and this assets required 10 meter easement (5m either side of the centreline of the CSO).As stated in the Article 2d Pre-Planning response letter, in order to ensure the protection of this asset, Dwr Cymru Welsh Water requested that a health & safety method statement and risk assessment is produced and submitted as part of the future planning submission for this development. The approved protection measures should be implemented in full before any other development has commenced and should be retained at all times for the duration of the approved operations including the restoration works. These have not been submitted with this application.

For the above reasons it is requested that if the LPA are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

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

- 4.2 REGIONAL AMBULANCE OFFICER: No response
- 4.3 FIRE PREVENTION OFFICER: The Fire and Rescue Authority wish the following comments to be brought to the attention of the committee/applicant. It is important that these matters are dealt with in the early stages of any proposed development. The developer should consider the need for the provision of: -
- a. adequate water supplies on the site for firefighting purposes; and
 - b. access for emergency firefighting appliances.
- 4.4 WALES AND WEST UTILITIES: No response.
- 4.5 GWENT POLICE (ARCHITECTURAL LIAISON OFFICER): No response.
- 4.6 NEWPORT ACCESS GROUP: No response.
- 4.7 NEWPORT CIVIC SOCIETY: No response.
- 4.8 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: The proposal will require archaeological mitigation. There is a likelihood of archaeological remains being located within the development area, due to its location at the riverside. The preservation of waterlogged remains has been identified in the wider area by archaeological work over recent years, and whilst the application area has undergone some disturbance, it is likely that archaeological features may be encountered during development.
- There does not appear to be any detailed construction plans or foundation design submitted and the scope of the WSI would still need to be agreed. Therefore, in order to mitigate the impact of the proposed development, it remains our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.
- GGAT envisage that this programme of work may include a watching brief during the groundworks required for the development, with detailed contingency arrangements, including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. However, details will need to be agreed when the foundation and construction methodology is approved.
- 4.9 NATURAL RESOURCES WALES: Recommend that the LPA should only grant planning permission if recommended conditions are attached which would address significant concerns that NRW identified and if attached NRW would not object to the application.

Flood Risk

The application site lies partially within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15). We confirm the site to be partially within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, a designated main river. NRW has reviewed the updated submitted Flood Consequences Assessment (FCA) produced by JBA dated November 2018. This is based on modelling which has been informed by the latest NRW tidal model (current V6) and is therefore fit for purpose.

Advice on Table A1.14 of TAN15

The FCA states that during the 0.5% (1 in 200 year) plus climate change allowance (CCA) 2118 event, the predicted flood level is 9.71m AOD. Based on a proposed finished site levels of 10.50m AOD the development the site will remain flood free during the predicted event and is therefore designed to meet A1.14 criteria. NRW has therefore advised a condition to set the finished floor levels is included on any permission.

Advice on Table A1.15 of TAN15

During the 0.1% (1 in 1000 year) plus CCA 2118 event, the site is predicted to flood to a level of 9.98m AOD. Based on the proposed finished site levels the site will remain flood free for this event. NRW note that although the development site is designed to remain flood free during both flood events, the surrounding area is likely to flood. The FCA states although the site is predicted to remain flood free, access and egress from the site would be unsafe. Although details of velocity have not been provided during the 0.1% (1 in 1000 year) plus CCA event given the floor depth this would equate to a minimum hazard rating of Danger to Many.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15 and matters that NRW cannot advise on such as emergency plans, procedures and measures to address structural damage that may result from flooding. NRW involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

European Protected Species (EPS)

NRW has reviewed the following submitted information in relation to European Protected Species:

- Galliford's Yard, Newport - Preliminary Ecological Appraisal (Report No: RT-MME127471-01) prepared by Middlemarch Environmental Ltd, dated April 2018.
- Galliford's Yard, Newport - Updated Otter Survey (Report No: RT-MME-127471-03) prepared by

As outlined in the Preliminary Bat Roost Assessment NRW note that no trees with bat roost potential are present on site. However, the expansion gaps in the adjacent George Street Bridge have been assessed as having high potential to support roosting bats. Otter is a notified/ designated feature of the River Usk SSSI/ SAC in close proximity to the site; however, no evidence of otter presence was found during the survey, and the site itself offers limited suitable habitat for resting or commuting.

Legislation and policy

Bats, otters, and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where these species are present, and a development proposal is likely to contravene the legal protection they

are afforded, the development may only proceed under licence issued by Natural Resources Wales. Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that the LPA should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any EPS on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied. However, NRW do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerns at a favourable conservation status in its natural range, provided a condition is attached to any planning permission granted to ensure that the development is carried out in accordance with section 6 paragraph 1 of the Otter Survey and section 6 paragraphs R1, R2 and R3 of the preliminary Bat Roost Assessment. A condition should also be attached to require the submission of a sensitive lighting plan in the absence of bat surveys to determine presence/ likely absence of bat roosts within the bridge. In line with the recommendations in the Preliminary Bat Roost Assessment, if increased illumination of the bridge is to be proposed, further surveys will be required to determine if the proposed lighting is appropriate.

Designated Sites – River Usk Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI)

The application site lies directly adjacent to the River Usk Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI). The rare fish species Allis and Twaite Shad, features of the River Usk SAC, are especially sensitive to vibration. Previous assessments of the use of similar methods adjacent to the River Usk SAC in Newport have considered the potential for harm to fish from severe pressure waves (principally the migratory species Twaite shad but also relevant to other anadromous and estuarine species). This should be addressed within an appropriate assessment and NRW therefore recommend that the LPA as the competent Authority undertake an appropriate assessment as a requirement of Regulation 61 (1) of the Conservation of Habitats and Species Regulations 2010 as amended.

Land Contamination

NRW have reviewed the submitted Geotechnical & Geo-environmental Site Investigation Report: Proposed Residential Development, Coverack Road, Newport. Terra Firma (Wales) Limited, Job No: 14614, June 2018. The risk to controlled waters is considered moderate to low. Given the site setting, i.e. adjacent to the River Usk SAC, NRW accept this conclusion and agree that monitoring of the groundwater continues before, during and post constructions (up to 6 months post construction) to ensure that any contamination present does not affect controlled waters. It is also advised that a condition requiring a remediation strategy to be submitted, approved and implemented in the event that unexpected contamination is encountered.

- 4.10 WELSH GOVERNMENT, CLIMATE CHANGE AND WATERS DIVISION (RIVERS): No response.
- 4.11 NEWPORT CIVIC SOCIETY: No response.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF LAW AND REGULATION (PUBLIC PROTECTION):

Noise

No response received in relation to this aspect. Response in relation to 17/1026 summarised as:

Initially confirmed that has no objections to the proposal subject to conditions relating to:

- the submission of a new full noise assessment. 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 shall have consideration to Newport City Council bus depot which may have an impact on the North Western Block facades.
- Road Traffic Noise - all habitable rooms exposed to external road traffic noise in excess of 50 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details.
- Construction Environmental Management Plan to minimise the creation and impact of noise, air quality*, vibration, dust** and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. Measures to minimise the impact on air quality should include HGV routes avoiding Air Quality Management Areas and avoid vehicle idling.

It was considered inappropriate to require the submission of a noise assessment via condition and so the applicant submitted details during the course of the application in the form of a Noise Report (Aulos April 2018) which was supplemented by a Noise Investigation Report (October 2018) and technical note relating to the bus station (December 2010). The following comments were received following the submission of those documents:

The Environmental Noise Investigation Report dated 19th October 2018 has considered the noise with regard to Planning Guidance Wales Technical Advice Note 11 but has not assessed it with regard to BS4142:2014 'Methods for rating and assessing industrial and commercial sound'.

As well as road traffic noise, the assessment submitted (October 2018) identifies noise sources associated with the existing bus depot e.g. buses arriving, leaving and idling, air compressors/pumps and a bus wash which was not in use at the time of the assessment. It is stated that bus depot activity is concentrated around buses returning to site from around 16:30 hours until 20:30 hours and again between 22:45 hours and 23:45 hours. Buses start in the yard at 05:40 hours and leave mainly between 06:40 hours and 07:30 hours. The impact of this noise source on the proposed residential dwellings has not been fully considered. The applicant should submit further assessment in accordance with BS4142:2014. The rating level of noise from the bus depot site must not exceed the existing background level at residential premises. In terms of any necessary noise mitigation, openable windows (even in conjunction with mechanical ventilation) will not be permitted and it may be necessary to consider an

alternative site layout/internal layout of dwellings in order to ensure that future occupants are not unduly disturbed by noise from this source.

If a significant impact is determined under BS4142 then appropriate mitigation to protect affected apartments will need consideration at this stage as this section may recommend that openable windows are not to be permitted. There is the potential for more flexibility to permit openable windows, subject to appropriate glazing / mechanical ventilation scheme, where the incident noise is road traffic related as such noise cannot be subject to complaints/ investigation under the statutory nuisance provisions of the Environmental Protection Act 1990.

On assessment of the Aulos Acoustics BS4142:2014 noise exposure assessment dated 10 December 2018. It is noted that the report provides that for the Apartments overlooking the Bus Depot ***'sound levels with windows open are expected to remain reasonable in most circumstances and enable sleep generally, but with slightly increased awakenings and moderate difficulty returning to sleep if fully woken'***.

There is the assertion that this can be controlled by sound insulation measures to the façade including acoustic glazing to improve low frequency sound insulation plus mechanical ventilation. However, attention is drawn to the comments by C Edwards 27 November 2018 in relation to the Bus Depot:

The rating level of noise from the bus depot site must not exceed the existing background level at residential premises. In terms of any necessary noise mitigation, openable windows (even in conjunction with mechanical ventilation) will not be permitted and it may be necessary to consider an alternative site layout/internal layout of dwellings in order to ensure that future occupants are not unduly disturbed by noise from this source.

On consideration of the BS4142:2014 assessment and in order to take all relevant matters into account asked if the applicant could clarify the following matters:

- Confirm the location and to what extent, all apartments where the noise from the Bus Depot is predicted to exceed the background level provided.
- Provide a Rating level for the compressor and vehicle wash system, noting that no penalties are currently provided.
- It is noted that a distance attenuation of -3dB has been used in the calculation of the Rating level for the general Bus Depot noise as some bedrooms are twice as far from the centre of active area as Position 1. However, is it appropriate to apply this distance correction for the nearest bedrooms and if not please provide the amended Rating Level.
- In view of C Edwards afore mentioned comments are there any proposals to alter the internal layout or provide fixed glazing to the apartments impacted by noise from the Bus Depot?

Contaminated Land

The contaminated land report submitted has recommended 600mm of clean validated topsoil for all landscaped areas – officer agrees with this approach. With respect to the gas risk assessment this is lacking in detail, only one round of gas monitoring has been undertaken. This is insufficient, I therefore recommend further gas monitoring visits are

undertaken to inform on what type of gas protection measures are required. Although this can be dealt with through appropriate conditions.

Air Quality

Generally, agrees with the findings and recommendations of the report. The proposed development is situated far enough away from the road / bridge to allow for adequate dispersion of road traffic emissions. The façade of the proposed development is unlikely to be exposed to concentrations of pollution above the air quality standards. It may be advisable to condition the application ensuring the façade of the building to George Street is set back by at least 15m to allow for adequate dispersion of road traffic emissions.

With regards to the mitigation measures it is encouraging to see the development intends to include provision for 60 bike storage spaces maximising on the opportunity for residents to use the riverside cycle paths. It is recommended that permission is granted with a condition ensuring this takes place. Access points for cyclists and pedestrians into Cyril Street and Morris Street are encouraged.

To encourage the uptake of electric vehicles in an effort to promote low emission forms of travel, it is recommended that permission is granted under condition ensuring a number of parking spaces are installed with electric vehicle charging points.

5.2 HEAD OF REGENERATION, INVESTMENT AND HOUSING (REGENERATION):

The regeneration of this brownfield site is welcomed, as is the proposed mix of housing tenure. It will complement the existing residential development along the riverbank and remove one of the last 'missing links along the riverside. The pedestrian and cycling route along the riverbank will be improved no end.

The area is also identified within the draft City Centre Masterplan document as a key site in terms of improving connectivity and movement into and around the city centre.

From this perspective, it is unfortunate direct access between the development site and George Street bridge has not been explored within the design, as this would encourage further pedestrian movement. Although it is noted that the building enjoys Listed status, on the opposing side of the river pedestrians are able to access it via a set of stairs from the riverside walk.

5.3 HEAD OF REGENERATION, INVESTMENT AND HOUSING (PLANNING CONTRIBUTIONS):

Council policy (specified in the adopted Planning Obligations SPG 2015) stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations. As such, only the 'market' units count towards leisure and education contributions;

Affordable Housing

The development must provide a minimum of 20% affordable units. However, the scheme proposes the provision of 58% affordable units, thereby representing an additionally of 38%. These properties must meet the required Welsh Government standards (in accord with TAN 2). They should be transferred to a Registered Social Landlord (zoned to develop in Newport) and be allocated through the Common Housing Register.

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.

Primary

The development is served by Maindee Primary School (deficit capacity of 5 pupils at 2022) and Ysgol Gymraeg Casnewydd Primary School (surplus capacity of 52 pupils at 2022). Taking into account the scale and type of development and 'School Capacity', a contribution of £16,115 is required for provision and/or improvement of facilities at Maindee Primary School

Secondary

The development is served by Lliswerry High School (surplus capacity of 28 pupils at 2022). Taking into account the scale and type of development and 'School Capacity', no contribution is required for Lliswerry High School

All Education Sums will be index linked to the BCIS and paid prior to occupation of the 16th dwelling

Leisure

There is a deficit of 'Equipped', 'Informal' and 'Formal' play in the Victoria ward. As such, the proposed development generates a commuted sum of £102,895, to be used to improve and enhance the Riverside Park

All Leisure Sums will be index linked to the Retail Price Index and paid prior to occupation of the 16th dwelling

- 5.6 HEAD OF REGENERATION, INVESTMENT AND HOUSING (HOUSING STRATEGY MANAGER): The affordable housing is designed to meet Welsh Government standards and should be transferred to a housing association and allocated through the Common Housing Register, a s106 agreement will be required to ensure this takes place.

- 5.7 HEAD OF CITY SERVICES (HIGHWAYS): The applicant has assessed the vehicle trips associated with the proposed development and come to the conclusion that the resultant increase on the network will be 2.2% and is therefore negligible. The Head of City Services is satisfied with the assessment carried out however there are significant concerns related to the substandard visibility at the junction of Coverack Road and Corporation Road. It's considered that the resultant increase in traffic justifies a significant improvement in visibility and therefore alterations to the junction arrangement. The applicant has identified this issue and agreed to make the required alterations to the junction to improve visibility.

The applicant makes reference to the improvements identified and accepted as part of application 17/1058 which included providing a minor buildout which would bring visibility in accordance with current standards. A condition which states that the junction improvements will be provided in accordance with that design, prior to any works being undertaken on site, will therefore be acceptable.

A plan submitted by the applicant proposes visibility splays of 2.4 x 16m and 2.4 x 6.2m which is extremely substandard. Visibility for both accesses must be provided in accordance with manual for streets and there is an objection if this cannot be achieved due to the detrimental impact on highway safety. Have the visibility splays been based upon topographical surveys as it would appear that visibility on site is in excess of what is shown on plan?

Its proposed to provide a footway connection and crossing point at Morris Street. This is required to ensure a pedestrian link is provided to Corporation Road and must have a minimum width of 2m. This should be secured by condition which states that the scheme must be implemented prior to first occupation.

The applicant must note however that the works within the highway will require a S.111/278 agreement and therefore City services will need to be contacted. No works can take place on the highway until the agreement is in place and final approval has been given by the highways authority.

The proposal is for 79 units consisting of 47no. 1 bed flats and 29 no. 2 bed flats. In accordance with the Newport City Council Parking Standards this generates a parking demand of 105 spaces at a ratio of 1 space per bedroom. In addition, visitor parking is required at a ratio of 1 space per 5 units resulting in 15 spaces. In total 120 parking spaces are required.

A sustainability assessment has been carried out in accordance with appendix 5 of the parking standards and subsequently it's been identified that the site scores sufficient points for a 2 space reduction. The parking standards state that 'other than for Zone 1 City Centre locations, the reductions in parking requirement for residential units shall not result in less than one parking space remaining'. The parking reduction can therefore only be applied to the 2 bed apartments reducing the demand for those units down to 1 space.

The parking generation associated with the proposal is therefore determined to be 76 spaces at a ratio of 1 space per unit, plus 15 visitor spaces. This results in a total parking demand of 91 spaces.

Only 71 spaces are proposed by the applicant which results in no visitor parking being available and also a shortfall of 5 spaces for residents. The applicant has submitted information in regard to car ownership and argues that the stats justify the reduced level of parking. It is argued that whilst this information gives an indication of the car ownership at that time and questions whether this can then be assumed that these levels of car ownership will continue to be the case in the future? A number of factors that will effect car ownership such as wealth, employment and personal circumstances for example. Recent statistical data has also shown the car ownership has been increasing. Given the lack of control that can be placed on a tenant in terms of whether or not they can own a vehicle, in this scenario, it cannot be appropriately determined that the tenants will not own vehicles now, or in the future. Parking must therefore be provided in accordance with the parking standards or the Head of City Services objects to the application.

The applicant makes reference to an adoptable road. In order for a road to be considered for adoption it must be constructed to an adoptable standard however crucially it must also be of sufficient utility to the public to be deemed maintainable at public expense. In this case, regardless of how the road is constructed, the road does not provide sufficient public utility as it essentially only provides access to a car

park for residents. The access road and turning head will therefore not be considered for adoption.

A Newport City Council Refuse vehicle will not access a private road and a question therefore remains as to how the applicant intends for waste to be collected and subsequently the suitability of the refuse collection details shown.

Should the LPA be of mind to grant permission a condition will also be required which states that a CEMP must be submitted which must include such details as wheel wash facilities, dust suppression, contractor parking and contractor compound.

- 5.8 HEAD OF CITY SERVICES (ACTIVE TRAVEL COORDINATOR): No response.
- 5.9 HEAD OF CITY SERVICES (WASTE): The bin site was too far up on a private drive and so the bins should be closer to the highway or have residents bring them down. Looking at the plans nothing has changed here so still stands with our vehicles not entering onto the private drive and too far for our crews to collect/return.
- 5.10 HEAD OF CITY SERVICES (TREES): No objection.
- 5.11 HEAD OF CITY SERVICES (ECOLOGY): No response.
- 5.12 HEAD OF CITY SERVICES (LANDSCAPING): Insufficient information has been submitted and a successful resolution is likely to impact on the overall layout of the external spaces. The proposed site plan DP110 rev P appears to be the only layout plan for the external environment and is lacking in detail.

South boundary onto River Usk walkway

The building set back line does not reflect the adjacent apartment blocks either upstream or downstream, I assume this is due to significant site constraints from services, culverts etc. As a result, the position of the buildings has created large areas of grassed space around the building which have no defined purpose.

The public walkway along the Usk upstream of the site is provided with a steel railing to the riverside and street lighting, this treatment ends at the site and it is not clear whether this application should include for the public frontage upgrading work that will be required if the site is developed [photo 1]. Parking is shown to the underpass. How this is defined at the River Usk walkway to prevent vehicle access/rollover is not clear [photo 3]. No external lighting plan has been submitted.

West boundary – onto existing housing

Proposals show a new road hard against an existing fence line to housing [photo 2]. A set-back line for the road should be shown, providing space for hedge and tree planting to prevent hard landscape boundaries meeting.

East boundary – onto brownfield site

No landscape treatment is proposed, parking is proposed hard against neighbouring palisade fencing which is not acceptable [photo 4]. Ideally space for hedge and tree planting should be provided. As a minimum the hard landscape boundary should be clearly defined by a more suitable railing.

North boundary

The impact of a number of structures and surfacing on the existing vegetation is not clear, in places vegetation loss is likely to require new planting to maintain a sufficient

screen for housing beyond. Impacts will be from the new access road, car parking, cycle parking, refuse/recycling area, water booster. An updated Tree Impact Assessment is required. Treatment of boundaries at the underpass are challenging and require a clear high quality hard landscape solution [photo 5 and 6].

Generally

Information submitted is insufficient to assess lighting, boundary treatment, the treatment of levels at boundaries, soft landscape proposals, existing site vegetation retention, and vegetation management going forward. Parking is shown adjacent to the southern apartment block with no treatment to constrain vehicles or to screen vehicles. Parking is shown adjacent to the southern apartment block with no treatment to constrain vehicles or to screen vehicles.

The submitted 'Tree Survey' does not reflect the submitted proposals and requires revision to establish what can successfully be retained along with a Tree Protection Plan and measures for future management.

The proposal should meet the requirements of GP5 General Development Principles – Natural Environment vi: 'the proposal includes an appropriate landscape scheme.....'. A detailed planting plan is required.

The following is required:

- Clear levels information
- Updated Tree Impact Assessment and Tree Protection Plan
- Professional landscape architect input to provide:
 - input to the layout and function of external spaces
 - landscape plans covering hard and soft landscape elements including boundary and levels treatment
- maintenance and management plan for new and existing planting

- 5.13 HEAD OF CITY SERVICES (DRAINAGE): the application is a major development and within Flood Zone C and therefore is required to provide a full Flood Consequence Assessment. A report has been provided, however there are items required for consideration by TAN15 including the acceptability of consequences listed under A1.12 which have not been explicitly addressed. It has not been shown that evacuation routes are operational under all conditions, nor have sufficient details on these routes been provided (i.e. route plans and elevations, rates of rise, velocity, durations, depths or hazards though a flood event). It has not been shown that flood emergency plans or procedures are in place, nor methods to ensure future occupiers of the development are aware of the risks of flooding which are dismissed as not appropriate for this level of flood risk despite creating 76 new dwellings. No minimum acceptable flood level has been stated and that site levels will not be lowered. Defences are anticipated to overtop in the thousand-year event, it is presumed that NRW will advise on the structural suitability of their assets and whether modelling of a breach scenario is appropriate. It is not clarified within the FCA whether NRW's modelled data is from a defended or an undefended event, we would expect that both scenarios should be considered and we anticipate that NRW will advise on the acceptability of their data set.

The FCA considers the Justification Test passed, but this is dependent on acceptability criteria, which as noted above may not be fully met. Future flood levels have been

predicted for the year 2118, for a typical lifetime development of 100 years, we would suggest it is unrealistic to expect for construction to be completed within 2018 and flood levels should consider a more realistic date. We note that the site is within close proximity of the bank top of the River Usk and a set of sluice gates, whilst not a matter for flood risk we would anticipate that relevant parties can advise on likely easements. It is important to ensure that surface water run-off is appropriately managed so as not to detrimentally impact upon the development proposals or the surrounding area. We note that the applicant has not proposed a confirmed method of discharging surface water, final surface water discharge rates and points of connection. These will need to be agreed with DCWW and the LLFA and we would expect to see all development sites actively seek to reduce run-off rates as close to greenfield as possible.

In light of the above, we would **Object** to the application at this time. In order to satisfy the

requirements of the LLFA, please ensure the following details are submitted:

- Confirmation on the run-off rates to be used and the point of outfall to either the River Usk or DCWW network
- Full drainage strategy plans including Sustainable Drainage Systems (SuDS)
- Evidence that due consideration has been given to the ongoing operation & maintenance of the surface water drainage strategy for the life time of the development.
- Satisfactory evidence to assess access routes under flood conditions.
- Satisfactory evidence showing that the full acceptability criteria under TAN15 have been passed.

5.14 HEAD OF CITY SERVICES (PUBLIC RIGHTS OF WAY): As mentioned in the Design Access statement there is a Public Right of Way abutting the south-westerly boundary of the site. Although the proposals do not appear to affect the PROW it may be the case that during the construction of the development the PROW could be affected and so the following points should be considered.

- All PROWs (as shown on the Definitive Map) are legally required to remain completely unobstructed and be clear and available for safe public use at all times including during construction works – unless a temporary closure/diversion order is applied for and granted beforehand;
- The PROW users must not be endangered or disadvantaged in any way by the proposals (during construction and following completion);
- The fabric of the PROW's must not be adversely affected in any way;
- PROW users must be protected from any vehicle/plant associated with the works. All potential conflicts should be risk assessed and managed accordingly.

5.15 HEAD OF REGENERATION, INVESTMENT AND HOUSING (CONSERVATION): The proposal is supported by a comprehensive Heritage Impact Assessment. The statement concludes that the development would preserve the setting of the adjacent grade II* listed George Street Bridge and I am happy to concur with this. As such, no objection.

5.16 HEAD OF REGENERATION, INVESTMENT AND HOUSING (POLICY): Redevelopment of the site meets a number of key sustainable regeneration objectives, including the reuse of a brownfield site and the development of an allocated housing site. The proposed residential land use is considered to be compatible with the existing uses within the locality. No objection.

6. REPRESENTATIONS

6.1 NEIGHBOURS: 78 neighbours were consulted who live within 50 metres of the application site and a site notice was displayed at Coverack Road. One letter of objection has been received:

- utilising this vacant land to develop affordable housing is the correct decision.
- allocating 71 parking spaces for 84 dwellings is extremely naive. Using the premise of the location being central with good public transport is short sighted.
- Are we to assume these residences will only have guests that travel via public transport?
- You only have to look at Queens hill/Godfrey road (which you can argue is closer in proximity to the city centre) to understand the need for 1 space per property as often you will see vehicles illegally parked resulting in restricted flow of traffic and unsafe pedestrian footpaths.
- The future growth of the city should be considered and the precedent this would set if granted.

6.2 COUNCILLORS: All ward councillors have been consulted and no comments have been received.

7. ASSESSMENT

7.1 Design and Residential Amenity

The blocks are of modern design with parapet roofs. Proposed finishes are indicated to be a mix of brick, render and cladding, although precise materials will be controlled by condition. Windows and doors are principally east and west facing, overlooking the river and Cyril Street. With balconies or terraces to the majority of units with the exception of those on the third and fourth floors of the private block and fifth floor of the affordable unit. There is not considered to be an issue with loss of privacy to residents in Cyril Street and Morris Street due to the difference in ground levels. The front elevation of each block is approximately 12.5 metres away from the properties on Cyril Street and 20 metres away from the properties on Morris Street. The Supplementary Planning Guidance for New Dwellings states that there should be a minimum of 21 metres between habitable windows, however, there are no side facing windows on existing dwellings in Cyril Street and Morris Street which are closest to the proposed development and it is therefore considered that residential amenity for existing residents will not be materially affected to a significant degree compared to the previously approved scheme under 09/1243. Although views of garden areas will be possible from elevated flats and associated balconies, such views would have been possible under the previous scheme, albeit that this included less units. The site is elevated in comparison to neighbouring streets and therefore higher flats will have wide ranging views over the locality.

7.2 The Grade II* Listed George Street bridge is located in a densely urban area with development around the anchor points on both sides of the river. The Riverfront has developed into a modern and contemporary feature of the City which is promoted by urban regeneration aspirations. It is considered that the siting of modern buildings adjacent to the bridge on the west bank of the river has not detracted from the setting or presence of the bridge as a Listed structure and as a well-known feature of central Newport. The proposed buildings are considered to be in-keeping with the modern character of Riverfront Development in Newport. Furthermore, the Head of Regeneration, Investment and Housing (Conservation) has not objected to the design of the proposed buildings or their position in relation to George Street Bridge.

- 7.3 The Supplementary Planning Guidance for New Dwellings requires that new one and two bedroom flats should meet internal minimum standards of 50 and 65 square metres respectively. Only 20 of the units meet or exceed the expected standards with many one-bedroom units only measuring 46 square metres in size and two bedroom units measuring 59 square metres. The SPG also states that new flats should provide external amenity space in the form of balconies measuring 1.5m. in depth to between 1.5 and 2m. in width. The balconies that have been provided meet these standards, but not all units have balconies. Those units that do exceed the recommended SPG floor space are 2 bedroom units located in both the private and affordable blocks. Although many units are below the recommended internal size, many do have balconies which provide additional amenity space. Furthermore, the developer has confirmed that in the case of the affordable units they meet the DQR standards and the layouts are such that they will provide occupants with a sufficient level of amenity with the further benefit of turfed areas surrounding each unit for residents to enjoy. On plan the flat layouts appear usable and logical with a reasonable standard of both space and amenity.

Trees and Landscaping

- 7.4 An Arboricultural report has been submitted which suggests the felling of low category trees and the cutting back of screening trees located close to the boundary with Morris Street. The Head of City Services (Trees) has no objections to these proposals.
- 7.5 Elements of soft landscaping are incorporated throughout the site including a hedgerow and a number of individual large trees. Areas of open space are also proposed with the largest being an area of turf located to the north of the 5 storey accommodation block. The apartment blocks are surrounded largely by grassland.
- 7.6 The Head of City Services (Landscaping) has stated that insufficient information has been submitted for consideration and an acceptable solution could impact on the overall layout of the site with grassed spaces having no defined purpose. Further information is required with regards to lighting, boundary treatment, levels at boundaries, soft landscaping, existing vegetation retention and management.
- 7.7 It is recognised that landscaping information is required in greater detail and conditions will be attached to any permission granted requiring details of lighting, boundary treatment and hard and soft landscaping. The layout is however limited by the size and shape of the site and its boundaries. In any instance, the acceptability of this general layout has been established as acceptable under application 09/1243. It is therefore considered that a detailed landscaping scheme can be dealt with via condition.

Section 106 Planning Obligation matters

Summary

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

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
Regeneration, Investment and Housing	20% affordable housing provision within the Housing Target Area of Newport East	The development must provide a minimum of 20% affordable units.	<i>Full Heads of Terms Agreed</i>	No
Education	For provision and/or improvement of facilities at Maindee Primary School	£16,115	Full Heads of Terms Agreed	No
Leisure	to improve and enhance the Riverside Park	£102,895	Full Heads of Terms Agreed	No

Heads of Terms Agreed by Applicant

- 7.9 The applicant has agreed to pay the Heads of Terms in full. Although there is a requirement to provide 20% affordable housing, the scheme proposes the provision of 58% affordable units, thereby representing 38% more than the statutory requirement. These properties must meet the required Welsh Government standards (in accord with TAN 2). They should be transferred to a Registered Social Landlord (zoned to develop in Newport) and be allocated through the Common Housing Register.

Public Protection

Noise

- 7.10 Formal comments have not been received by the Head of Law and Regulation (Public Protection) with regard to noise. Therefore, comments used in response to application 17/1026 which is to extend the time for commencement on the smaller residential scheme in this location with identical sources of noise have been considered in this instance.
- 7.11 A noise investigation report has been submitted for consideration (Aulos Acoustics, Noise Investigation Report November 2018). It identifies that road noise from George Street Bridge affects the ambient noise climate by day and night with contributions from

the bus depot to the north-west. It was concluded that even in worst-case areas the elevations are capable of achieving reasonable internal sound levels in line with normal expectations. The use of laminated double-glazing in window units, high sound insulation walls and acoustically-treated ventilation will provide sufficient control of noise intrusion. The report also confirms that there is significant scope for moderation of sound insulation performance and construction during design in other areas with most elevations being NEC A or areas with a sound level less than LAeq,16h 50-55dB daytime.

- 7.12 No objections were received to application 09/1243 and conditions were recommended with regards to road traffic noise and construction although it was advised that the noise assessment was updated to take into account noise from the bus station. Under application 17/1026, the Head of Law and Regulation (Public Protection) was concerned that the compressor and vehicle washing system at the neighbouring bus station would be the source of noise complaints by residents of the proposed apartment building. The applicant therefore submitted an updated noise assessment report (Aulos Acoustics, Environmental Noise Investigation Report, 19 October 2018) and subsequent technological note. It was found that the Bus Depot remains a minor element of the noise climate compared to road traffic, which is consistent to the levels experienced when application 09/1243 was considered acceptable. Based on the guidance of BS4142 and context of the site, the report concludes that the bus depot is expected to result in a likelihood of minor adverse impact on residential amenity. The risk of substantive effects on domestic activity is considered to be low in most circumstances. The primary risk is that of residential sleep disturbance. The achievable internal sound level with open windows is reasonable at 30-35dB(A). BS8233:2014 would indicate sound levels up to 30+5dB(A) may be considered reasonable for sleep in bedrooms at night, although a level of 30dB(A) or less is preferable. However, a mitigation scheme is advised and the recommended wall performance and windows are expected to achieve acceptable noise levels internally, even against the noise of the compressor, which was identified as a concern by the Head of Law and Regulation (Public Protection). The wash system was inaudible at the time of measurement. In light of this information it is considered reasonable to require the submission of a scheme of noise insulation to ensure that the acceptable levels referenced in the noise assessment submitted with this application can be achieved.

Contamination

- 7.13 The Head of Law and Regulation (contamination) has assessed the contaminated land report submitted and agrees with the recommendation that 600mm of clean validated topsoil shall be used for all landscaped areas. Insufficient information has been submitted with regards to gas monitoring although it has been recognised that this can be dealt with through the use of a condition attached to any planning permission granted requiring further gas monitoring to inform gas protection measures.

Air Quality

- 7.14 The Head of Law and Regulation (Contamination) agrees with the findings and recommendations of the submitted Air Quality Assessment report and confirms that the façade of the proposed development is unlikely to be exposed to concentrations of pollution above the air quality standards. However, it is advised that the façade of the building to George Street is set back by at least 15m to allow for adequate dispersion of road traffic emissions.
- 7.15 The development includes the provision of 60 bike storage spaces and a condition will be attached to any planning permission granted to ensure these are provided to allow maximisation of opportunity for residents to use the riverside cycleway. It is also

recommended that permission is granted under condition ensuring a number of parking spaces are installed with electric vehicle charging points.

Highways

Parking

- 7.16 The proposal is for 76 units consisting of 47no. bed flats and 29 no. 2 bed flats. In accordance with the Newport City Council Parking Standards this generates a parking demand of 105 spaces at a ratio of 1 space per bedroom. In addition, visitor parking is required at a ratio of 1 space per 5 units resulting in 15 spaces. In total 120 parking spaces are required.
- 7.17 A sustainability assessment has been carried out in accordance with appendix 5 of the parking standards and subsequently it's been identified that the site scores sufficient points for a 2 space per unit reduction. The parking standards state that 'other than for Zone 1 City Centre locations, the reductions in parking requirement for residential units shall not result in less than one parking space remaining'. The parking reduction can therefore only be applied to the 2 bed apartments reducing the demand for those units down to 1 space.
- 7.18 The parking generation associated with the proposal is therefore determined to be 76 spaces at a ratio of 1 space per unit, plus 15 visitor spaces. This results in a total parking demand of 91 spaces.
- 7.19 Initially, 71 spaces were proposed by the applicant which resulted in no visitor parking being available and also a shortfall of 5 spaces for residents. The Head of City Services (Highways) and a local resident have both objected to the proposal on the ground of insufficient parking. However, a revised site plan has since been submitted which shows that a further 6 spaces, and therefore a total of 77, can be accommodated within the application site close to the link with Morris Street. The scheme is now fully compliant with residential parking requirements; with one additional to be used for visitors. The proposal does however remain short of 14 visitor spaces.
- 7.20 The Head of City Services (Highways) is not satisfied that the information submitted with regards to car ownership sufficiently justifies a reduced level of parking and ownership levels can change and statistics suggest it is in fact rising and therefore objects to the application on this basis. However, although the application is in parking zone 2, as allocated by the adopted SPG on parking standards, the applicant has submitted information to demonstrate that the site shares sustainable characteristics with sites in Zone 1 owing to the existence of Newport footbridge. Furthermore, the application site has direct access to the cycleway which will reduce demand for vehicle use within this development.
- 7.21 There is concern that an absence of sufficient visitor parking spaces could give rise to potential overspill parking on the neighbouring roads. However, the applicant has included an appeal decision (APP/L6940/A/16/3162047) dated 16th January 2017 where the Inspector afforded significant weight to data (statistical bulletin SB100/2013) submitted which demonstrated car ownership associated with affordable housing tenures in Wales is significantly lower than that associated with market housing. It is identified within the data that 45% of all one-bedroom households and 53% of social rented households do not have access to a car. Taking the figure for socially rented housing, this would equate to 22 of the affordable units and therefore 22 parking spaces which would reduce the parking requirement to 55 spaces. If the 45% figure

was applied, this would result in 17 unoccupied spaces. With 77 parking spaces provided this would result in there being sufficient on-site parking provision for visitors without there being an increase in on-street parking demand in the surrounding streets. Planning Policy Wales 10 states that Parking provision should be informed by the local context and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. It states that Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. Whilst officers have some concerns regarding the shortfall of visitor parking proposed, it is evident from appeal decisions elsewhere that Inspectors afford weight to studies relating to car ownership in social housing. In addition to this, the site is well located in terms of accessibility to sustainable transport routes that provide level access to the city centre for example and there is a real prospect of people choosing to have no or less car ownership. Whilst SPG compliant parking would be ideal in this case, particularly having regard to the reliance upon on street parking by existing residents in the area, on balance it is considered that the shortfall is not so significant in this context to enable officers to demonstrate harm arising from the shortfall. Add to this the regeneration, housing provision and visual amenity benefits brought by the scheme and any ongoing reservations regarding on site parking supply are outweighed.

Officers have considered flatted schemes proposed and determined on the adjacent site south of the bridge. Two proposals for 77 flats have previously been refused, one has been the subject of an appeal. The first, submitted in 2010 proposed 77 units with 50 parking spaces. It was refused for parking reasons. The shortfall of parking in this case was deemed to be excessive at over 40 spaces. A later scheme in 2012 for 77 units with SPG compliant parking was also refused for visual and residential amenity impact reasons relating to the proposal for a building up to 14 storeys adjacent to the bridge. In this case the Inspector referred to other buildings in or proposed in the locality up to 6 storeys high but considered a 14 storey high building would appear obtrusive and alien in this context. It is considered that this scheme is consistent with previous decisions for comparable schemes close by and nothing contained with these decisions is at odds with the officer assessment above.

Access and highways

- 7.22 Access to the application site will be via Coverack road. There will be no direct access through the site onto either Cyril Street or Morris Street but there will be a ramped access between the application site and Morris Street. This is required to ensure a pedestrian link is provided to Corporation Road and must have a minimum width of 2m. This should be secured by condition which states that the scheme must be implemented prior to first occupation.
- 7.23 No pedestrian access is proposed to George Street Bridge. There will be no changes to the existing riverside cycle way and the Head of City Services (Public Rights of Way) has confirmed that the public right of way should remain unobstructed and safe throughout the course of construction.
- 7.24 The applicant has assessed the vehicle trips associated with the proposed development and come to the conclusion that the resultant increase on the network will be 2.2% and is therefore negligible. The Head of City Services is satisfied with the assessment carried out however, there are significant concerns related to the substandard visibility at the junction of Coverack Road and Corporation Road. It's

considered that the resultant increase in traffic justifies a significant improvement in visibility and therefore alterations to the junction arrangement. The applicant has identified this issue and agreed to make the required alterations to the junction to improve visibility.

- 7.25 The applicant makes reference to the improvements identified and accepted as part of application 17/1058 which included providing a minor buildout which would bring visibility in accordance with current standards. The Head of City Services (Highways) has advised that a condition which states that the junction improvements will be provided in accordance with that acceptable design, prior to any works being undertaken on site is therefore required.
- 7.26 A plan submitted by the applicant proposes visibility spays of 2.4 x 16m and 2.4 x 6.2m which is extremely substandard. The proposed access strategy is identical to that approved under application 09/1243 where it was recognised that the proposal would remove all movements from the right i.e. the riverside direction. It is considered that all traffic movements associated with the development will turn left (i.e. towards Corporation Road); the visibility of which is considered to be acceptable.
- 7.27 Throughout this application the applicant and Head of City Services (Waste) and Head of City Services (Highways) have been trying to find a resolution to the problem of refuse vehicles collecting waste from the site as the road serving the development will be privately maintained. At the time of writing this matter had not been resolved and members will be updated on this verbally at committee or by way of late representation report. Two refuse stores are proposed along the eastern edge of the internal access and the applicant has demonstrated that the access road into the site can be constructed to an adoptable standard.

Ecology

- 7.28 No response has been received from the Head of City Services (Ecology). However, no objection was received in respect of application 17/1026 on the same site and no comments were offered in respect of bats as the building which existed on the site has now been demolished.
- 7.29 NRW have provided comprehensive comments with regards to European Protected Species. They confirm the findings of the Preliminary Bat Roost Assessment in noting that no trees with bat roost potential are present on site. However, the expansion gaps in the adjacent George Street Bridge have been assessed as having high potential to support roosting bats. Otter is a notified/ designated feature of the River Usk SSSI/ SAC in close proximity to the site; however, no evidence of otter presence was found during the survey, and the site itself offers limited suitable habitat for resting or commuting.
- 7.30 Bats, otters, and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where these species are present, and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales. Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that the LPA should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any EPS on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

- 7.31 NRW do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerns at a favourable conservation status in its natural range, provided a condition is attached to any planning permission granted to ensure that the development is carried out in accordance with section 6 paragraph 1 of the Otter Survey and section 6 paragraphs R1, R2 and R3 of the preliminary Bat Roost Assessment. A condition should also be attached to require the submission of a sensitive lighting plan in the absence of bat surveys to determine presence/ likely absence of bat roosts within the bridge. In line with the recommendations in the Preliminary Bat Roost Assessment, if increased illumination of the bridge is to be proposed, further surveys will be required to determine if the proposed lighting is appropriate.

Designated Sites – River Usk Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI)

- 7.32 The application site lies directly adjacent to the River Usk Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI). The rare fish species Allis and Twaite Shad, features of the River Usk SAC, are especially sensitive to vibration. Previous assessments of the use of similar methods adjacent to the River Usk SAC in Newport have considered the potential for harm to fish from severe pressure waves (principally the migratory species Twaite shad but also relevant to other anadromous and estuarine species). An Appropriate Assessment has been carried out in accordance with the requirements of Regulation 61 (1) of the Conservation of Habitats and Species Regulations 2010 as amended and is contained at Annex A of this report. It was determined that subject to the imposition of several conditions outlined in this assessment, it is considered that the proposed development would not have a significant impact on the designated European site.

Land Contamination

- 7.33 NRW have also reviewed the submitted Geotechnical & Geo-environmental Site Investigation Report: Proposed Residential Development, Coverack Road, Newport. Terra Firma (Wales) Limited, Job No: 14614, June 2018. The risk to controlled waters is considered moderate to low. NRW accept this conclusion and agree that monitoring of the groundwater continues before, during and post constructions (up to 6 months' post construction) to ensure that any contamination present does not affect controlled waters. A condition requiring a remediation strategy to be submitted, approved and implemented in the event that unexpected contamination is encountered will be attached to any planning permission granted.

Flood Risk and drainage

- 7.34 The application site lies entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). NRW Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, a designated main river. The submitted 'Flood Consequences Assessment' (FCA) prepared by JBA Consulting dated September 2018 has been informed by the latest tidal model information and is therefore fit for purpose. In addition, based on the ground elevation of 10.50m AOD the site will remain flood free during the 0.5% (1 in 200 year) plus climate change allowance (CCA) and during the 0.1% (1 in 1000 year) plus CCA. Based on this the proposed finished floor levels of the building is designed to meet A1.14 criteria of TAN 15. As such, NRW have not objected to the application. Existing topographical survey information shows the site levels ranging from 10.51 to 10.83 so no significant alterations to existing levels are required as part of the proposals.

- 7.35 Schedule 3 of the Flood & Water Management Act requires surface water drainage for new developments to comply with mandatory National Standards for SuDs. It also requires surface water drainage systems to be approved by the SAB before construction work with drainage implications may begin. The Head of City Services (Drainage) has objected to the application and requires further information to be submitted including:
- Confirmation on the run-off rates to be used and the point of outfall to either the River Usk or DCWW network
 - Full drainage strategy plans including Sustainable Drainage Systems (SuDS)
 - Evidence that due consideration has been given to the ongoing operation & maintenance of the surface water drainage strategy for the life time of the development.
 - Satisfactory evidence to assess access routes under flood conditions.
 - Satisfactory evidence showing that the full acceptability criteria under TAN15 have been passed.
- 7.36 It is however considered that the majority of the above will be addressed at the detailed drainage stage of development and other matters with regard to flood risk are considered below:

TAN 15 Assessment

- 7.37 TAN 15 sets out a precautionary framework and identifies that new development should be directed away from areas which are at high risk of flooding (defined as Zone C), and where development has to be considered in such areas, only those developments which can be justified on the basis of the tests outlined in the TAN are to be located in such areas. It maintains that there should be minimal risk to life, disruption and damage to property. Development should only be permitted in Zone C1 if it can be demonstrated that:
- i) Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
 - ii) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners to sustain an existing settlement or region; and,
 - iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and
 - iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 6 and appendix 1 found to be acceptable.
- 7.38 Where development is justified the assessment can be used to establish whether suitable mitigation measures can be incorporated within the design to ensure that development is as safe as possible and there is minimal risk, damage and disruption.
- 7.39 For the purposes of this report, criterion (i) to (iii) are referred to as Test 1 as this relates to the site justification and criterion (iv) which has a number of tests is referred to as Tests 2 to 12.

Test 1 – Justification

Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement

- 7.40 The site is within the Newport urban settlement boundary and is an allocated site for housing within the Local Development Plan and is therefore considered part of the LDP regeneration initiative and required to sustain the existing settlement.

It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 4.4)

- 7.41 PPW defines previously developed land as:

Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage...of the development is included, as are defence buildings, and land used for mineral extraction and waste disposal...where provision for restoration has not been made through development management procedures.

- 7.42 The application site has an industrial history and although no buildings are present on the site today, it did contain industrial units until recently. It clearly complies with the above definition.

Tests 2 to 12 – Consequences of Flooding

- 7.43 Criterion (iv) of paragraph 6.2 of TAN 15 refers specifically to the potential consequences of a flooding event for the particular type of development have been considered. These are referred to as tests 2 to 12 below.

Test 2 - Flood defences must be shown by the developer to be structurally adequate particularly under extreme overtopping conditions (i.e. that flood with a 1 in 1000 chance of occurring in any year).

- 7.44 NRW has not objected to the development on the basis of inadequate flood defences.

Test 3 - The cost of future maintenance for all new/approved flood mitigation measures, including defences must be accepted by the developer and agreed with Natural Resources Wales.

- 7.45 The proposal will be constructed to be above all potential flood levels and this has been confirmed by NRW that have advised a condition to ensure floor levels are constructed to a minimum height AOD.

Test 4 - The developer must ensure that future occupiers of the development are aware of the flooding risks and consequences.

- 7.46 The developer has submitted a FCA assessing the risk and consequences on flooding.

Test 5 - Effective flood warnings are provided at the site.

- 7.47 The site is covered by NRW's flood warning service. NRW have not objected in respect of this test.

Test 6 - Escape/evacuation routes are shown by the developer to be operational under all conditions.

- 7.48 The proposed development will remain flood free in all events. However, the FCA identifies that if flood defences in Newport are not upgraded to keep pace with climate change there is the potential for the areas surrounding the site to become flooded. Despite this, information submitted suggests that flood waters will recede sufficiently within 1.5 hours to allow safe access/egress along alternative routes, such as along the riverside promenade and via the neighbouring housing estate.

Test 7 - Flood emergency plans and procedures produced by the developer must be in place.

- 7.49 The FCA concludes this is not appropriate given the level of flood risk.

Test 8 - The development is designed by the developer to allow the occupier of the facility for rapid movement of goods/possessions to areas away from floodwaters.

- 7.50 The proposal will remain flood free in all instances.

Test 9 - Development is designed to minimise structural damage during a flooding event and is flood proofed to enable it to be returned to its prime use quickly in the aftermath of the flood.

- 7.51 The proposal will remain flood free in all instances

Test 10 - No flooding elsewhere.

- 7.52 The proposed development does not increase flood risk elsewhere as there is no increase of impermeable area on the existing brownfield site. The site is not predicted to flood during the 0.1% AEP event and therefore cannot affect flood risk elsewhere.

Test 11 - Paragraph A1.14 of TAN 15 identifies that the development should be designed to be flood free for the lifetime (A1.5) of development for either a 1 in 100 chance (fluvial) flood event, or a 1 in 200 chance (tidal) flood event including an allowance for climate change (depending on the type of flood risk present) in accordance with table A1.14.

- 7.53 The site is 1.4m. above the predicted 0.5% AEP plus climate change flood level and 1m above the predicted 0.1 AEP flood level.

Test 12 – In respect of the residual risk to the development it should be designed so that over its lifetime (A1.15) in an extreme (1 in 1000 chance) event there would be less than 600mm of water on access roads and within properties, the velocity of any water flowing across the development would be less than 0.3m/second on access roads and 0.15m/second in properties and the maximum rate of rise of floodwater would not exceed 0.1m/hour.

- 7.54 The primary access from Corporation and Coverack Road is shown to be flood free during the 1 in 1000-year flood event. However, at the railway underpass, maximum depths of 0.7 m. are predicted, due to a low point in the road, which exceeds the threshold of 0.6 m defined in TAN15 for the flooding of emergency access routes. Alternative access remains available from the north, south and west.

- 7.55 With 75 years if climate change however, the access is restricted along all routes. Flooding on the B4237 varies between 0.4 m and 0.7 m to the west, and 0.4 m. and 1.5 m. to the East. Access from the north and south is restricted by flood depths reaching 1 m on Corporation Road and Cromwell Road, respectively. Consequently, the primary access to the site will become unsafe during extreme flood events.

- 7.56 The riverside promenade is at an elevation of 9.3. m AOD. It can be seen that in the 2093 and 2098 events, the promenade is inundated for one hour, and for 1.5 hour in the 2118 event. Once the river level falls below 9.3. m AOD any flood water on the promenade will drain rapidly, enabling safe access / egress. Whilst the primary route remains impassable, several safe alternative emergency access/egress routes exist. Within 1 hour of defence breach in 2093 and 2098, access to the north of the site may be gained from the B4591 road bridge (Town Bridge), along the riverside promenade. In the 2118 event, this becomes accessible 1.5 hours after defence overtopping. In all events, access from the south may be gained via a residential estate.

- 7.57 In summary, when assessing whether the risks and consequences of flooding can be satisfactorily managed, the proposal is considered to be acceptable when taking into account climate change. Within the submitted FCA it has been confirmed that existing floor levels are 10.5m AOD across the site and there are no proposals to reduced levels. NRW has not objected to the proposal on the proviso that the proposed finished floor level will be clear of flood waters in all events. A condition will therefore be attached to any permission granted requiring that the stated minimum floor levels are achieved.

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 Overall, it is considered that the proposal will not have an adverse impact on existing or future residents or the interests of protected European Species. The proposal will complete a missing link in the regenerated Riverside frontage and contribute towards housing targets and affordable provision within Newport whilst providing a sufficient level of parking, given its sustainable location and providing an acceptable level of flood risk. Planning permission should therefore be granted subject to the following conditions and subject to a Section 106 agreement.

10. RECOMMENDATION

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

01 The development shall be implemented in accordance with the following plans and documents: Site location plan 2304-dp11v, refuse vehicle tracking Rev 0, T/03A, T/04B, Proposed site plan with utilities apparatus, DP300k Proposed floor and roof plans NW block, DP301k proposed floor plans SE block, DP301 g proposed roof plans SE block, DP400a Proposed water booster and refuse recycling store plans and elevations, DP 500g proposed front elevation and rear view, DP501g proposed side elevations SE, DP501d Proposed side elevations NW, Design and Access Statement, Flood Consequence Assessment and FCA Technical Note, Habitats regulations Assessment screening, Heritage Impact Assessment report, Noise report, preliminary Bat Roost Assessment, Preliminary Ecological Appraisal, Tree Survey, Updated Otter Survey, Noise Assessment Technical Note submitted under 17/1026 (January 2019), S.089/2B approved under application 17/1058.

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 shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource and to comply with Policy CE6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

03 No development shall commence until a comprehensive and integrated drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with

the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to comply with Policy GP3 and GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

04 Prior to the commencement of works on site details of the protection measures for the 48 x 32 inch public surface water sewer crossing the site shall be submitted to and approved by the Local Planning Authority. These shall include a construction design method statement and risk assessment for the protection of the structural condition of the strategic sewer crossing the site. Thereafter no other development pursuant to this permission shall be carried out until the approved protection measures have been implemented in full and be retained in perpetuity

Reason: To protect the integrity of the public sewer and avoid damage thereto, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to comply with Policy GP3 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015)

05 Prior to the commencement of development a lighting plan, designed to avoid illumination of the river corridor and the bridge, shall be submitted to and approved in writing by the planning authority. It shall be in line with the recommendations in the Preliminary Bat Roost Assessment and if increased illumination of the bridge is to be proposed, further surveys will be required to determine if the proposed lighting is appropriate. No artificial lighting or illumination shall be installed on-site unless in accordance with a scheme approved in writing by the Local Planning Authority.

Reason: In the interests of protecting the integrity of the River Usk Special Area of Conservation and to ensure compliance with Policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015)

06 A) A gas monitoring risk assessment based upon at least six rounds of gas monitoring visits shall be provided to the local planning authority. The risk assessment shall include recommendations for gas protection measures to be included in the foundations of the proposed development. Once agreed, evidence of installation of the gas protection measures shall be provided to the local planning authority for comment and approval.

B) At least 600mm of clean chemically validated topsoil shall be installed in all landscaped areas. 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.

C) 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 and to ensure compliance with Policies GP5 and GP7 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015)

07 Prior to the commencement of development a scheme for the installation of electronic charging points to parking spaces shall be submitted to and approved in writing by the local planning authority. The scheme shall then be implemented as approved prior to the first occupation of the development and be retained in a usable condition in perpetuity.

Reason: In the interest of promoting low emission forms of travel and to ensure compliance with Policy GP7 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015)

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

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

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

Reason: To protect important landscape features within the site and to ensure compliance with Policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015)

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

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner and to ensure compliance with Policy GP2, GP6 and GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015)

10 No development, other than demolition, shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure

that all such rooms achieve an internal noise level of 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 and to ensure compliance with Policy GP7 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015)

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

Reason: In the interests of road safety and traffic movement and to ensure compliance with policy GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015)

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

Reason: To ensure that the development is completed in a manner compatible with its surroundings and to ensure compliance with policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015)

13 Prior to the occupation of the buildings hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the use is commenced / before the building(s) [is/are] occupied] and shall be retained thereafter;

Reason: In the interests of visual amenity and highway safety and to with policy GP2 and GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015)

14 No construction works shall commence on site until the improvements to the layout of the junction of Coverack Road and Corporation Road have been completed in accordance with plan s.089/2B approved under application 17/1058 and referenced in the submitted Transport Statement

Reason: In the interests of highway and pedestrian safety and to comply with policy GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015)

15 Prior to the commencement of development a scheme for the erection of protective fencing along the public foot path and the site boundary with Coverack Road shall be submitted to and approved in writing. The fencing shall then be erected in accordance with the approved details for the duration of the construction period.

Reason: In the interest of health and safety and to ensure compliance with policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015)

16 Prior to the commencement of the development hereby approved, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and agreed in writing by the Local Planning Authority:

- a. A preliminary risk assessment which has identified;
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
- b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c. The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. This shall include details of any piling operations required on site and the method by which such works will be undertaken to prevent pollution of the water environment.
- d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Development shall be carried out in accordance with the agreed details.

Reason: In the interests of protecting the integrity of the River Usk Special Area of Conservation and in the interests of amenities and to ensure compliance with policy GP5 and GP7 of the Newport Local Development Plan 2011 – 2026 (adopted January 2015).

17 Prior to the occupation of any part of the development hereby approved, a verification report demonstrating completion of the works set out in the agreed remediation strategy and the effectiveness of the remediation shall be submitted to and agreed, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the agreed verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. The long-term monitoring and maintenance plan shall be implemented as agreed.

Reason: In the interests of protecting the integrity of the River Usk Special Area of Conservation and in the interests of amenities and to ensure compliance with policy GP5 and GP2 of the Newport Local Development Plan 2011 – 2026 (adopted January 2015).

18 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan (as specified in Condition 2) shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme, a final report demonstrating that

all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the integrity of the River Usk Special Area of Conservation and in the interests of amenities and to ensure compliance with policy GP5 and GP7 of the Newport Local Development Plan 2011 – 2026 (adopted January 2015).

- 19 Prior to the commencement of development (including piling, excavation or construction works), a Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, air quality*, vibration, dust** and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. It shall include details of a wheel wash facility, contractor parking and contractor compound. Measures to minimise the impact on air quality should include HGV routes avoiding Air Quality Management Areas and avoid vehicle idling. The agreed Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

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

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

Reason: In the interests of protecting the integrity of the River Usk Special Area of Conservation and in the interests of amenities and to ensure compliance with policy GP7 of the Newport Local Development Plan 2011 – 2026 (adopted January 2015)

- 20 No development (including piling, excavation or construction works) shall commence on site until there has been submitted to and agreed in writing a scheme to prevent otters from entering the site. The scheme shall include details of boundary treatments to be erected in accordance with the buffer zone shown on plan titled: "Otter Protection Plan" (included within Technical Note: Prevention of Disturbance to Otters – Engain Ecology). The agreed scheme shall be implemented prior to the commencement of development and retained for the entire duration of the works.

Reason: In the interests of protecting the integrity of the River Usk Special Area of Conservation and to ensure compliance with policy GP5 of the Newport Local Development Plan 2011 – 2026 (adopted January 2015)

Pre –occupation conditions

- 22 Prior to the first beneficial use of the development hereby approved, the crossing point at Morris Street and footway connection shown on plan 2304-dp11v shall be constructed in accordance with the approved details and retained and available for use in perpetuity. The footway must have a minimum width of 2 metres.

Reason: To provide for the safety and convenience of users of the highway and to ensure compliance with policy GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015)

23 Prior to the first beneficial occupation of any unit hereby approved full details of the proposed cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as approved and then maintained thereafter in that state.

Reason: To provide residents a choice of means of travel and to promote sustainable travel and to ensure compliance with policy SP1 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015)

24 Prior to the beneficial use of any building hereby approved, a waste and recycling strategy for the site shall be submitted to and approved in writing by the local planning authority. Thereafter, the recommendations of the strategy shall be implemented and retained in perpetuity,

Reason: In the interest of residential amenity and to ensure compliance with Policy W3 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015)

General conditions

25 The Finished Floor Levels at ground floor level of the development hereby approved shall be set no lower than 10.5m AOD.

Reason: To reduce the risk of flooding and to ensure compliance with Policy SP3 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015)

26 The development to be carried out in line with the recommendations made in 'Section 6 paragraph R1' of the updated Otter Survey, and 'Section 6 paragraphs R1, R2 and R3' of the Preliminary Bat Roost Assessment.

Reason: In the interest of protecting European Protected Species and to ensure compliance with Policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015)

27 The buildings hereby approved shall not be occupied until all parking spaces have been laid out and are available for use and facilities have been provided within the curtilage of the site to enable vehicles to turn on site and thereby enter and leave in forward gear in accordance with details in the approved plan '18126 –C-014 Refuse Vehicle Track Revision 0' that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to ensure compliance with policy GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site location plan 2304-dp11v, refuse vehicle tracking Rev 0, T/03A, T/04B, Existing site plan, Proposed site plan with utilities apparatus, DP300k Proposed floor and roof plans NW block, DP301k proposed floor plans SE block, DP301 g proposed roof plans SE block, DP400a Proposed water booster and refuse recycling store plans and elevations, DP 500g proposed front elevation and rear view, DP501g proposed side elevations SE, DP501d Proposed side elevations NW, Design and Access Statement, Flood Consequence Assessment and

FCA Technical Note, Pre-application Consultation Report, Site Investigation, Transport Statement, Air quality Assessment, Drainage strategy, Habitats regulations Assessment screening, Heritage Impact Assessment report, Noise report, preliminary Bat Roost Assessment, Preliminary Ecological Appraisal, Tree Survey, Updated Otter Survey, CGI's, Noise Assessment Technical Note submitted under 17/1026 (January 2019).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP4, SP8, SP9, SP10, SP13, GP1, GP2, GP3, GP4, GP5, GP6, GP7, CE1, CE2, CE8, H1, H2, H3, H4, T4, Cf4 and W3 were relevant to the determination of this application.

03 The supplementary Planning Guidance for New Dwellings, Parking Standards, Affordable Housing, Planning Obligations, Development and Wildlife (Adopted August 2015) and Air Quality (Adopted February 2018) were relevant to the determination of this application.

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

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

06 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

07 The 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.

08 The applicant must contact the Streetscene section of the Council to apply for a S.278/111 Agreement in order to carry out any works within the adopted highway. No works can take place until this agreement is in place and prior approval has been given.

The applicant must also note that the highway works at Corporation Road will require a stage 3 and stage 4 safety audit.

09 It should be noted that this consent is dependent on the applicant entering into a Planning Obligation under Section 106 of the Town and Country Planning Act 1990.

APPLICATION DETAILS

No: 18/1169 Ward: **VICTORIA**

Type: Full (Major)

Expiry Date: 8-MAR-2019

Applicant: **JEHU GROUP C/O AGENT**

Site: **Land To South Of Cyril Street, Coverack Road, Newport**

Proposal: **ERECTION OF 1NO. FIVE STOREY APARTMENT BLOCK AND 1NO. 6 STOREY APARTMENT BLOCK COMPRISING 76NO. ONE AND TWO BEDROOM DWELLINGS WITH CAR PARK AND ASSOCIATED WORK**

1. LATE REPRESENTATIONS

- 1.1 Additional comments from consultees have been received since report publication and additional supporting information has been submitted by the applicant. These are as follows.
- 1.2 *HEAD OF CITY SERVICES (WASTE): Cabinet Member wants to consider further and possibly take to cabinet. No conclusion. In the event Council vehicles are permitted to enter onto land then an indemnity is likely.*
- 1.3 *HEAD OF LAW AND REGULATION (PUBLIC PROTECTION): Comments received on 25 Feb match comments received in relation to 17/1026 and these have been reported in officer assessment.*
- 1.4 *HEAD OF CITY SERVICES (HIGHWAYS): The pedestrian ramp from the site down to Morris Street does not appear to be achievable given the position of bridge support structures. However, this does not prejudice accessibility owing to the improvements which are to be made through provision of a pedestrian cross-over at the junction of Morris Street and Coverack Road. The presence of bridge supports may also have an impact on whether the 6no. parking spaces shown in this location are ultimately achievable.*
- 1.5 By way of supporting information, the applicant has submitted a 12 page technical note referencing a parking beat survey which was carried out in the areas of Morris Street and Coverack Road to establish the extent of on-street parking available. It was undertaken every 30 minutes between the hours of 0700-1000 and 1730-2030 on Monday 4th March 2019. Officers have not been able to fully assess this information but the summary provided confirms the following:
 - The surveys have been undertaken along the full length of Coverack Road and Morris Street to establish the usage of the carriageway space, including double yellow lines;

- The car parking survey identifies that there are a total of 137 on-street car parking spaces available across both Coverack Road and Morris Street
- The results of the parking beat survey identify that there is a minimum surplus of 76 parking spaces between the hours of 0700-1000 and 80 parking spaces between the hours of 1730-2030.

1.6 Since publication of the Committee Agenda, officers have completed their consideration of application 17/1026 to vary the standard condition (time for commencement) on the previous 2009 application and this will be reported on this week's delegated agenda. Officer decision is to grant subject to conditions and a section 106 legal agreement.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

- 2.1 The officer report adequately considers both waste and public protection matters and the comments above do not alter officer assessment. Condition 24 is considered sufficiently broad to allow for either private or Council waste collection arrangements to be agreed going forward.
- 2.2 The loss of the pedestrian ramp will not prejudice access between the development and Morris Street owing to the existence of an improved pedestrian link at the junction of Morris Street with Coverack Road.
- 2.3 With regards to the relationship of the parking spaces shown with the bridge supports, it is recommended that condition 27 be amended to require:

Notwithstanding the submitted details, prior to the commencement of construction a detailed plan showing how all parking underneath George Street Bridge is to be provided and any associated engineering works or operational development required in connection with their delivery shall be submitted to and approved in writing by the Local Planning Authority and a minimum of 77 no parking spaces in total to serve the development shall be shown. The details shall take into account the supporting structures of George Street Bridge. No building shall be occupied until the approved parking spaces have been laid out and are available for use and facilities have been provided within the curtilage of the site to enable vehicles to turn on site and thereby enter and leave in forward gear in accordance with details in the approved plan '18126 –C-014 Refuse Vehicle Track Revision 0' that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to ensure compliance with policy GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

- 2.2 The 2009 scheme, varied by the 2017 application represents a fall back position on the site that must be afforded significant weight.

3. OFFICER RECOMMENDATION

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

APPLICATION DETAILS

No: 4 **18/1181** **Ward: RINGLAND**

Type: **OUTLINE (MAJOR)**

Expiry Date: **10-FEB-2019**

Applicant: **NEWPORT CITY HOMES**

Site: **RINGLAND CENTRE, RINGLAND CIRCLE, NEWPORT**

Proposal: **OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED FOR DEMOLITION OF RINGLAND CENTRE, 6NO. BUNGALOWS AND LIBRARY AND CONSTRUCTION OF APPROXIMATELY 170NO. HOMES AND 1700 SQUARE METRES OF A1/A2/A3 FLOORSPACE, LANDSCAPING, INTERNAL ROAD NETWORK, CAR PARKING AND ASSOCIATED INFRASTRUCTURE**

Recommendation: GRANTED WITH CONDITIONS SUBJECT TO A S106 AGREEMENT WITH DELEGATED AUTHORITY TO REFUSE PERMISSION IF THE LEGAL AGREEMENT IS NOT SIGNED WITHIN 3 MONTHS OF ANY RESOLUTION TO GRANT PERMISSION.

1. INTRODUCTION

- 1.1 This application seeks outline permission for the demolition of the existing Ringland local centre and the maisonettes above the shops and demolition of a further six bungalows. Permission is also sought for the construction of 1700 square metres of replacement commercial floorspace for uses within A1(retail), A2 (professional services) and A3 (pubs, restaurants, hot food takeaways) and 170 flats and houses. The applicant proposes to regrade the site to restore a more natural slope profile than the currently highly engineered changes in levels. All matters are reserved meaning only the principle of the development is at stake at the current time. However the applicant has provided indicative 'proving' drawings to show how the proposal might be delivered but the Council would not be agreeing those at this stage.

2. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
18/0936	PRIOR APPROVAL FOR PARTIAL DEMOLITION OF FORMER PUBLIC HOUSE BUILDING PRIOR APPROV.	Prior Approval not Required 18 October 2018

3. POLICY CONTEXT

- 3.1 The following policies of the adopted Newport Local Development Plan 2011-2026 (NLDP) are relevant to the determination of this application:

Policy Reference Relating to Strategic Policies

- SP1 Sustainability
- SP9 Conservation of the Natural, Historic and Built Environment
- SP10 House Building Requirement
- SP12 – Community Facilities

- SP13 Planning Obligations
- SP18 Urban Regeneration
- SP19 – Assessment of Retail Need
-

General Policies

- GP1 Climate Change
- GP2 General Amenity
- GP3 – Service Infrastructure
- GP4 – Highways & Accessibility
-
- GP5 Natural Environment
- GP6 Quality of Design
- GP7 Environmental Protection and Public Health

CE

- CE3 Environmental Spaces and Corridors

Housing

- H1 Housing Sites
- H2 Housing Standards
- H3 Housing Mix and Density
- H4 Affordable Housing
- H9 Housing Estates Regeneration

Transport

- T3 Road Hierarchy
- T4 Parking
- T5 Walking and Cycling

Retailing and the City Centre

- R8 Small Scale Retail Proposals

Community Facilities

- CF2 Outdoor Play Space Requirements Waste
- CF12 – Protection of Existing Community Facilities
- W2 Provision for Waste Management Facilities in Development
- W3 – Provision for Waste Management Facilities in Development.

Relevant adopted Supplementary Planning Guidance is:

- Parking Standards
- Trees, Woodland, Hedgerows & Development Sites
- Planning Obligations
- Affordable Housing
- New Dwellings
- Outdoor Play Space Provision
- Wildlife & Development
- Security Measures for Shopfronts and Commercial Premises

4. CONSULTATIONS

4.1 SPORTS WALES: there are no specific impacts on retained sports facilities and therefore no objections.

4.2 DWR CYMRU / WELSH WATER (DCWW):

4.2.1 We can advise that the proposed development site is crossed by a number of public foul and surface water sewers with the approximate position being marked on the attached Statutory Public Sewer Record. From reviewing the submitted Drainage

Strategy Report (Bradley Associates) we note the developer has acknowledged the existence of these sewers and have incorporated the easements of these assets into the proposed site layout. However we also note as mentioned in the report that there is an encroachment onto one of the public sewers located in the north-east of the development site whereby a 1.61m easement is proposed. We can confirm that a 3m easement is required for this asset, therefore the applicant will be required to apply to us under Section 185 of the Water Industry Act in order to divert this asset. Amendments may be required through this process and the applicant will be responsible for notifying the Local Planning Authority of any amendments.

- 4.2.2 We can confirm capacity exists within the public sewerage network in order to receive the foul only flows. With regard to surface water flows, we acknowledge that infiltration tests have confirmed soakaways will not be an achievable method of sustainable surface water disposal and that the site already has an existing surface water connection. Justification was requested in our response to the Article 2d pre-planning consultation as to why surface water cannot be discharged to the Liswerry Pill Reen. We note this justification has been provided as part of the submitted drainage strategy report and acknowledge that a connection to this watercourse will also not be a viable option for surface water disposal.
- 4.2.3 Due to the exclusion of infiltration and a connection to the Lliswerry Pill Reen as viable surface water discharge methods, we note the developer therefore proposes to discharge surface water into the existing public surface water network of which we can confirm is acceptable in principle. However, we note the proposed rate of discharge is 102l/s (reduced from 204l/s therefore equalling 50% betterment). Although a 50% betterment is welcomed, the proposed discharge rate of 102 l/s seems very high. Before we can agree to a connection of surface water at a suitable discharge rate, we request the applicant contact us to further discuss this matter and to reach an appropriate rate of discharge prior to the approval of this application.
- 4.2.4 However, if you are minded to grant consent prior to this, we request that the **Conditions and Advisory Notes** listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Conditions

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

Advisory Notes

The proposed development site is crossed by public sewers with the approximate position being marked on the attached Statutory Public Sewer Record. The positions shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewers. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act

1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

4.2.5 Sewage Treatment: No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

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

4.2.7 Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

4.3 WALES & WEST UTILITIES: Advise of equipment in the area and safe working practices.

4.4 GWASANAETH TAN AC ACHUB DE CYMRU / SOUTH WALES FIRE & RESCUE SERVICE:

4.4.1 The developer should consider the need for the provision of:

- adequate water supplies on the site for firefighting purposes; and
- access for emergency firefighting appliances.

Should the applicant require further information in relation to these matters they should contact the above named fire safety officer.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE (HIGHWAYS): comments on the undertaken tracking exercise in terms of points of detail.

5.2 HEAD OF STREETSCENE (DRAINAGE): No objection subject to conditions / confirmation relating to:

- Appropriate SUDS drainage to be provided.
- Drainage of surface water to the public sewer is agreed by the sewerage undertaker.
- Infiltration should be shown to be viable if proposed as a surface water drainage solution
- Long term maintenance of the drainage infrastructure.

5.3 HEAD OF STREETSCENE (TREES): Objects for the following reasons:

- There are many trees on this site of a good size and form that could be incorporated into a new layout.
- It should be noted that the existing trees were previously inspected and maintained by Newport City Council, to a high standard.
- New tree establishment in the Ringland area is difficult as vandalism is highly prevalent. Historically, newly planted trees had a very high failure rate in this area due to this factor.

SPG - Trees, woodland, hedgerow and Development Site Supplementary Planning Guidance – January 2017

“6.10 Wherever possible the main roads entering and traversing the site will have verges and tree planting i.e. to create an avenue or boulevard. This will comprise a grass verge adjacent to the roads which will be a minimum of 2m in width and will be planted with appropriate species at a minimum size of 14/16 extra heavy standard. Suggested tree species have been chosen for their goblet- shaped tree canopy to minimise highway and residential issues”

Trees within front gardens cannot be considered to be structural planting, the trees indicated on the plan are squeezed into small green areas and show a tree canopy diameter of approx. 2.5m. This will inevitably result in conflict between the homeowner and the trees because the trees will outgrow their allotted space and this results in the trees being removed i.e. any landscape character is lost.

There are good examples of boulevard planting in Newport by proactive developers e.g. the former Alcan site in Rogerstone and the new Persimmon Site (former Panasonic site) in Duffryn.

Furthermore, new trees adjacent to car parking bays do not work practically and there is no evidence in Newport where this practice has been successful.

This is for a number of reasons:

1. The best place for trees in is grass areas with a decent distance between any development and them.
2. People reverse cars and delivery vans into trees rendering them unviable.
3. Debris from trees e.g. leaves, branch drop and aphid residue result in many complaints regarding the trees.
4. Perceived storm damage to cars/ passengers.
5. Overhanging branches.
6. Personal security when parking near trees.
7. Trees lifting up the hard surfacing due to root pressure can make car parking bays unviable.

Therefore, it is better to retain good quality existing trees and integrate them into the design layout and as such this is part of the BS 5837:2012 process.

- 5.4 HEAD OF STREETSCENE (WASTE): This is a very big development and if streets are not adopted there may be significant issues with waste collections as the truck will not enter unadopted roads. There is no provision for recycling facilities for the apartment blocks shown.
- 5.4 HEAD OF STREETSCENE (ECOLOGY): The above application is supported by a Preliminary Ecological Appraisal (produced by Ecology Services Ltd, dated September

2018) which is of sufficient standard to inform the planning decision. The habitats on site are of low conservation value and are unlikely to support protected species except for nesting birds. The buildings on site have been assessed for the potential to support bats; several potential roost features/access points were recorded on most of the buildings but due to the low habitat quality the buildings are considered to have low potential to support bat roosts. Based on the descriptions and photographs provided, I agree that this is a satisfactory conclusion. In line with good practice guidelines, one activity survey of each building was carried out in suitable weather conditions. No evidence of bat use was established, and bat activity in the area was very low. No further survey information is required.

To avoid damaging or destroying active birds' nests during site clearance and preparation, the working methods described in the submitted report should be conditioned if you are minded to grant this permission.

To meet local and national planning policy to provide biodiversity net gain on all developments, the scheme should include enhancements for ecology. Suitable recommendations are made in the submitted report and should be shown on a plan suitable for approval as part of the reserved matters application.

5.5 HEAD OF STREETSCENE (LANDSCAPING):

Outline Landscape Strategy

Tree losses are significant. Tree planting outline proposals offer compensation but there is potential for more 'ornamental garden/fastigate' tree planting than currently indicated at Hendre Farm Court and Cot Farm Circle which will also benefit the public street scene and other residents of Ringland.

Masterplan

Concerns were raised at pre-app stage over the public square fronting retail blocks, which is dominated by an area of standard layout car parking. Space for tree planting should be provided in front of the retail blocks to soften the elevations and provide shelter/shade for pedestrians.

No levels are shown on the Master Plan but are likely to be challenging at the junction of MUGA with the proposed play area and to achieve 'improved pedestrian permeability' onto playing fields. There should be an indicative arrangement for steps and ramps at this outline stage as the level change to accommodate is significant and provision of ramped access may impact on the layout. It is noted that the existing bank and ditch are to be re-profiled to create levels consistent with the playing field and this is welcome.

5.6 PUBLIC PROTECTION MANAGER (NOISE):

- 5.6.1 I refer to the above application passed to Noise & Neighbourhood Team to consider. The supporting information for this application recognised in the Design and Access Statement that:

"Given the existing road networks and taking into consideration the possible location of the M4 relief road there is the potential of disturbance of noise from road traffic on the use and enjoyment of the proposed residential properties. I therefore recommend that a noise assessment is undertaken to assess which Noise Exposure Category (or Categories) the proposed site falls within as provided in Planning Guidance Wales 'Technical Advice Note (Wales) 11: Noise'.

I suggest that the whole site should be considered in the assessment. The report should provide appropriate recommendations based on the Noise Exposure Categories determined.”

5.6.2 Hunter Acoustics provided the Environmental Noise Survey dated the 8/10/2018.

The report quotes the following condition that is used by Newport City Council on similar developments which have the potential to be impacted on by noise from road traffic.

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

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

The report also acknowledges that when assessing the application of an outdoor design aim of 55dB(A) Leq, which is derived from World Health Organisation (WHO) guidance, it is important to take into account the feasibility of achieving such a level.

5.6.3 Having considered the acoustic report findings I do not find reason to contest them, other than to request that acoustic attenuation measures that will be implemented achieve the outdoor design 50dB LA_{eq16hr} criteria rather than 55dB LA_{eq16 hr} criteria in line with the WHO guidelines for community noise for proposed garden areas, as requested below in condition 2.

The report concludes that dwellings located in close proximity to the local roads are indicated to fall above the trigger levels. Additional sound insulation measures are therefore indicated to be required. A preliminary external building fabric assessment has been carried out based on current housing layouts, with specifications issued for glazing and ventilators for budgetary guidance at this stage. A final external building fabric assessment can be undertaken once final housing layouts, floor plans and elevations are available

5.6.4 I would therefore recommend the following conditions form part of any permission granted for this application.

- 1. The proposed development, other than demolition, shall not commence until a scheme has been submitted to and approved in writing by the Local Planning Authority, following confirmation of the confirmed layout of the development , to provide that all habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No*

dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

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

2. *The proposed development shall not commence until a scheme has been submitted to and approved in writing with the Local Planning Authority to confirm the acoustic attenuation measures that will be implemented so proposed garden areas can meet the outdoor design 50dB LAeq,16hr criteria .*

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

I would also recommend that the following condition in relation to the Construction Environmental Management Plan of the development form part of any permission granted

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. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise (including prescribed on site working hours for demolition and construction), vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. The approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.*

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

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

5.7 PUBLIC PROTECTION MANAGER (CONTAMINATED LAND):

- 5.7.1 I agree with the findings and recommendations of the submitted contaminated land report by Curtins. A site investigation and risk assessment will be required for the site with particular attention to the former garage. To ensure this work is undertaken I recommend the following contaminated land conditions:

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

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

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

c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:

d) Following remediation a Completion/Verification Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.

e) *Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.*

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

Air Quality

With respect to the Air Quality SPG the proposed development is not within an AQMA or AQMA Planning buffer. The proposed development will have a similar road traffic impact to what is already present, therefore an air quality assessment is not required. To encourage the uptake of zero emission vehicles to improve air quality and reduce carbon emissions I recommend a number of electric vehicle charging points are installed, with cabling for additional charging points to be installed in the future.

- 5.8 HEAD OF REGENERATION, INVESTMENT & HOUSING (HOUSING): With regard to the above named outline application for the regeneration of the Ringland shopping centre and surrounding area, I can confirm the Housing Departments full support. Currently the area provides retail facilities which are inward looking, typical of a development of the late 1950s early 60s. The shops are well used and provide for the needs of the local community, however their design is no longer conducive for modern requirements. Newport City Homes have consulted extensively with local residents and their retail tenants, as well as the City Council colleagues located in the existing community provision to achieve a design which is widely accepted. The new shops will be relocated to ensure that local residents continue to have the facilities they require and then the existing shop location will provide new homes which address the prevailing housing need for the area. The regeneration of this area is very much welcomed.

- 5.9 HEAD OF REGENERATION, INVESTMENT & HOUSING (HOUSING):

Principle of Development

- 5.9.1 The site is considered to meet the definition of previously developed land, made up of Ringland Local Centre, car parking, maisonettes and bungalows. The whole site is also located within the defined settlement boundary of Newport, within which the principle of development is considered to be acceptable and sustainable.

Regeneration Element

- 5.9.2 The proposed development involves the comprehensive redevelopment of Ringland Local Centre and surrounding area. The upgrading and replacement of these properties is supported and consistent with the wider objectives of policies SP18 – Urban Regeneration and H9 – Housing Estate Regeneration.
- 5.9.3 The indicative masterplan outlines the development of approximately 170 residential units. The Planning Statement notes this as providing a net gain of approximately 130 dwellings, which will contribute to the housing land supply in Newport, specifically the windfall requirements of SP10 – House Building Requirements.

Retail Element

- 5.9.4 The redevelopment of Ringland Local Centre is supported. The purpose built shopping centre is inward facing, overlooking a central courtyard, with its back fronting onto the main roads. The Colliers Retail Study's assessment of the Ringland Centre (July 2010)

concluded that it is performing poorly in terms of vitality and viability and is in need of new investment. The proposed retention of the local centre is welcomed, as whilst in need of investment, it does serve a valuable function and community facility in the locality. The proposed relocation to front onto Hendre Farm Drive and Ringland Circle is supported and considered to be an improvement on the existing layout.

- 5.9.5 The submitted information indicates that new retail provision will be approximately 1487 sqm with an upper limit of 1,700 sqm of commercial floorspace, which equates to roughly that within the existing local centre. A potential increase of 186 sqm is noted in the Planning Statement. An assessment of the retail floorspace against Policy R8 – Small Scale Retail Proposals is set out in the supporting Planning Statement. The points raised are considered reasonable and should the development result in a slight increase of retail floorspace, this is not considered to cause concern with regards to impact on other defined centres and appropriateness of scale. Similarly, given the like for like nature of the retail element, albeit it with a potential slight increase, Policy SP19 – Assessment is considered to be satisfied.

Demolition of Ringland Library

- 5.9.6 The development description notes the demolition of Ringland Library, which is considered to be a form of community facility. Policy CF12 – Protection of Existing Community Facilities therefore needs to be addressed as part of a planning application submission. The policy permits the loss or change of use of buildings currently used as a community facility if alternative provision can be made, of at least an equal benefit to the local population; or it can be demonstrated that the existing provision is surplus to the needs of the community. The indicative phasing plan contained in section 5.6 of the Design and Access Statement notes the library being relocated into the Community Centre as part of phase 1 of the scheme. Confirmation of this from the applicant should satisfy Policy CF12 – Protection of Existing Community Facilities.

Development Management Considerations

- 5.9.7 Standard development control considerations, for example, access, parking, quality of design and residential amenity need to be addressed to satisfy the General Development Principles policies of the LDP.

Planning Obligations

- 5.9.8 The site falls within the 20% affordable housing sub-market area. A net gain of approximately 130 dwellings is noted in the supporting information. The views of the Planning Contributions Manager should therefore be sought to establish what planning contributions would be triggered by the proposed redevelopment.

Conclusion

- 5.9.9 Overall the proposed regeneration is supported and considered consistent with the wider urban regeneration objectives of the LDP, subject to detailed Development Management considerations.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties within 50m with the application site (202 addresses) were consulted, two site notices were displayed, and a press notice was published in the South Wales Argus. No comments were received.

7.0 ASSESSMENT

7.1 The Site

- 7.1.1 The existing site consists of the Ringland Local Centre which is a 1960s shopping centre with maisonettes above. The site also includes the Friendship Public House (partially demolished), 6 No old persons bungalows, extensive delivery yards to serve the commercial units, circulation space consisting of a large central plaza within the centre which forms an inward looking precinct and areas of car parking & bus drop-off around the site perimeters. The tower block Milton House is to be retained and historically other maisonette blocks on the site have been cleared and these areas are now put down to grass. The site slopes downward NW to SE and a series of ramps and steps are engineered into the precinct to achieve the level change. The site is contained within roads Ringland Circle / Milton Court to the north west, Hendre Farm Drive to the north east and Cot Farm Circle to the south east. To the south west the site overlooks an extensive area of grass containing a football pitch. Immediately adjacent to the site is a Council owned community centre which sits adjacent to a working men's club and a health centre which together form a small cluster of community uses. The scheme would require the demolition of part of the community centre which contains the library. Existing housing on Cot Farm Court would form the nearest residential neighbours alongside the recently approved housing at Cot Farm Close (permission 17/0894). To the north east on the other side of Hendre Farm Drive lies the Presbyterian Church, Milton Primary School and some terraced houses on Hendre Farm Close. There are many mature trees of good quality on the site which has good levels of planting and green verges as well as the proximity of large areas of open space which significantly soften the site and give a suburban feel to the area.

7.2 The Proposal

- 7.2.1 The proposal is as described in Paragraph 1.1 of this report.

7.3 Key Issues

- 7.3.1 The key issues relevant to the determination of this application are:
- Principle of development & Loss and replacement of the local centre;
 - Loss of pensioner bungalows (equalities);
 - Waste Disposal;
 - Circulation Space and linkages outside the scheme;
 - Potential massing and relationships with neighbouring land uses;
 - Surface Water Drainage;
 - Noise including commercial noise;
 - Contamination;
 - Trees;
 - Fume Extraction;
 - Loss of Library.

7.4 Principle of development & Loss and replacement of the local centre

- 7.4.1 The site lies within the urban boundary where the principle of housing development is acceptable. In terms of the local centre, it forms a designated centre for the purposes of the adopted Local Development Plan and therefore enjoys a degree of Policy protection from the development of out of centre retail / services. However there is no specific policy protecting such centres from demolition which in any event is permitted development subject to prior approval. However in this case the proposal is to replace the lost provision with 1700 square metres of commercial floorspace. The existing

commercial floorspace (not including the demolished pub) is approximately 2000 square metres but not all of this approximated floor space would be tradeable area which is likely to account for the discrepancy between the two numbers. Additionally some of the currently occupied floorspace will not be needed in the future as tenants are choosing not to move or in the case of Newport City Homes, office space will be relocated elsewhere. In essence the replacement would be like for like at least in area terms with all commercial tenants who wish to remain in the locality being accommodated within the new scheme.

- 7.4.2 In effect the proposal would potentially relocate the Ringland Centre slightly to the north west and change the form of the commercial provision. It is necessary to secure the replacement provision for sustainability reasons but this can be achieved via the conditional regime by the imposition of a phasing plan which requires the early delivery of the replacement commercial provision.

7.5 Loss of pensioner bungalows (equalities)

- 7.5.1 Recent caselaw *R (Buckley) v Bath and North East Somerset Council* held that it was necessary to consider equality duties in relation to planning applications for the redevelopment of areas of social housing where decanting of the existing population meant that existing residents with particular protected characteristics might be left at risk of being prejudiced. The judgement held at Paragraph 31 that:

“The fact that the application is for outline planning permission and that certain reserved matters are to be considered at a later stage in the process may affect the content or scope of the duty in particular cases but that does not prevent the duty applying. By way of example, approval of reserved matters such as layout and access may, depending on the circumstances, raise specific equality considerations. Those matters may require little or no consideration at the outline stage but may need to be considered carefully at the stage when those matters come to be considered for approval. Similarly, the fact that the grant of outline planning permission is one stage in a process which has a number of different stages before the development is finally completed may affect the scope of the duty. Again, by way of example, demolition of a dwelling adapted for use and occupied by a disabled person may result in the need to have due regard to the possibility of providing suitable alternative accommodation for that person. The suitability of the actual provision for particular tenants may be better assessed at a later stage in the overall process of development. The impact of demolition of existing homes and adapted dwellings on elderly and disabled persons who occupy them may, however, need to be considered at the time when outline permission is granted.”

- 7.5.2 The circumstances of this case are similar to the Bath example since the demolition of the existing housing stock (to allow a densification process on re-building) means that residents will lose their homes. On its face this is not a planning matter since it will fall to the relevant landlord and their tenants to resolve contractual arrangements – it is a civil law matter and falls outside of planning. However the Bath case was concerned with the application of equality duties which is ‘global’ requirement in public decision making. The Council needs to be confident that a decision to demolish someone’s home does not impinge on any protected characteristic. In the Bath case that meant considering the specific needs of elderly and disabled persons. The case appears to show that the requirement is a limited one in the case of outline applications since the specific needs of elderly & disabled persons can be picked up at Reserved Matters stage when the details of the replacement dwellings are considered, however it is necessary to show that the public sector equality duty (PSED) has been met.

7.5.3 Although the Bath case was brought to the applicant's attention at pre-application stage this particular issue has not been addressed in this submission which leaves doubt as to how the decanting process for residents would work and whether the PSED would be met if permission was granted. However the applicant is Newport City Homes which was also the applicant for permission 17/0894 for new housing on the adjacent site at Cot Farm Circle. This means that should these developments proceed in tandem then there would be decanting opportunities on the site immediately adjacent to this site to accommodate the displaced residents from this scheme. They would remain in their immediate locale and some of the approved houses are equipped with adaptations (ground floor wet rooms) that might meet the needs of elderly or disabled persons. As such there is no reason to think successful decanting cannot be achieved but there would be a need to control this process in order to ensure no prejudice subsequently arises.

7.6 Waste Disposal

7.6.1 The application has been made in outline only and as such layout and scale are reserved matters which are not being determined under this application. The applicant has provided indicative plans that show a potential layout and is anticipated that any reserved matters submission would come forward in a form similar to that shown. The Indicative Plans include a waste storage plan which explores the basic principles of waste storage on the site. Arrangements suggested are as follows:

- Commercial units – internal stores and yards where provided
- Flats – internal stores and some scope for outdoor storage dependent on layout
- Houses – storage to front of house or in rear gardens

7.6.2 Concerns arise from the densification of the uses on the site in terms of waste management. The Council's waste manager is concerned that should the roads not be adopted drag distances to the public highway would be significant since the bin wagon will not enter private roads. It is not clear how this issue might be addressed.

7.6.3 Further concerns relate to the commercial units. Under the current layout they have back yards and extensive service areas to receive deliveries and for the storage of waste. Under the indicative proposals these are absent. It appears that the applicant anticipates deliveries from the front of the units from laybys that would form part of the indicative parking court at the north west of the site. This may form a viable delivery method subject to appropriate control over the laybys i.e. so they are not parked in and remain available for deliveries. It appears that most of the commercial units will not have yards meaning that waste would either have to be stored inside or inappropriately in skips in the public realm outside. The applicant has indicated waste storage arrangements for the commercial units being within internal stores or from a yard in the case of one of the proposed commercial blocks. This is potentially acceptable subject to agreement of reserved matters.

7.6.4 The Council must be satisfied at this stage that the proposed development can reasonably fit within the site and the proving layout shows how this might be done so reassurance can be taken from that. Overall there is no reason to think that adequate waste arrangements cannot be secured at reserved matters stage or that the overall deliverability of the proposed scheme would be compromised by any tweaks in the layout needed to accommodate appropriate levels of storage space for waste. This would be true of both the commercial units and flatted units. It is proposed to apply a planning condition requiring reserved matters to show waste storage arrangements for the entire scheme to be submitted and agreed.

7.7.1 Circulation Space and linkages outside the scheme

7.7.2 The indicative drawings suggest a layout of perimeter blocks well served by roads and footways. The indicative layout is permeable and links well to the surrounding neighbourhoods. The indicative layout shows how the residential units could provide active frontage with any 'dead space' at the rear of the commercial units being limited and capable of being secured if necessary.

7.7.3 The Head of Streetscene has commented on the tracking exercise that have been undertaken to prove the layout but has not objected. In any event layout is reserved and could be adjusted at reserved matters to address any points of detail or even entirely reworked. The general principle that a broadly acceptable layout can be achieved has been established. As such it can be anticipated that any reserved matters that come forward can deliver a scheme that is acceptable in terms of pedestrian and vehicle circulation.

7.8 Potential scale and relationships with neighbouring land uses

7.8.1 The applicant has provided an indicative scale plan which shows a range of building heights up to 6 storeys. Given the relationship with existing uses on the site edges and the retained high-rise block at Milton Court, the indicative building scales are likely to be acceptable subject to agreement of detailing at reserved matters. Once again it should be remembered that scale is a reserved matter and is not being agreed under this submission. However the submitted information gives reassurance that the proposed number of dwellings can be acceptably accommodated within the site.

7.8.2 On this occasion it is not proposed to condition that the development proceeds in broad accordance with the submitted Masterplan. In terms of the proposed scale the applicant shows a variety of heights from 1 up to 6 storeys and it is clear that the site could accommodate buildings at this maximum height although not in every location. However since all matters are reserved the Council retains control over the final detailed form of the development and could resist inappropriately tall buildings on the site's perimeter if this provides necessary. As such no detailed control over the scale of reserved matters is required on this occasion and the lack of condition allows some flexibility in the finalised form the scheme takes without loss of control.

7.9 Surface Water Drainage

7.9.1 Dwr Cymru / Welsh Water (DCWW) have offered detailed comments and do not object to the applicant's proposal to dispose of surface water via existing surface water drains. This approach is not the most preferred since it departs from Sustainable Urban Drainage (SUDs) principles. However DCWW accept it as an approach and subject to conditional controls see this as an appropriate solution. Surface water drainage arrangements are not a reason to withhold permission.

7.10 Noise (road noise and commercial noise)

7.10.1 The site is bounded by highways and includes proposals for commercial development which is very likely to have residential uses above. Noise is a potential issue from vehicles passing on the local road network, plant at the commercial units and customers coming and going from the commercial units. Some of these units may operate late at night (A3) increasing the noise risk to residents. Without a fixed layout it is difficult to fully assess potential noise impacts.

7.10.2 The applicant has submitted a noise assessment with this outline permission which has been considered by the Public Protection Manager. The latter advises that subject to a condition controlling noise levels internally and externally within the proposed dwellings that the development would be acceptable in terms of noise. Additionally the condition would require details of ventilation since internal noise attenuation will rely on the windows being closed. By controlling external noise at this early stage the applicant will be able to consider layout and how this might mitigate external noise, for example by placing outdoor amenity space to the rear of buildings that face out onto the highways that bound the site. As such it is appropriate to impose the condition at this early stage since it will inform layout. As worded the condition will require the final noise mitigation details to be provided on submission of details relating to scale and layout i.e. reserved matters but as noted its early application will allow the applicant to approach the external noise issue holistically and ensure the final layout meets the requirements of the condition.

7.10.3 Given the proposal contains commercial elements that are likely to require plant for their proper operation, a condition controlling plant noise is appropriate and can be applied at this stage of the proposal. Given appropriate conditional controls Policies GP2 (Amenity) and GP7 (Environmental Protection & Public Health) are met in terms of noise.

7.11 Contamination

7.11.1 As a previously developed site the application of a standard ground contamination condition as advised by the Public Protection Manager is appropriate and will adequately control risks from any ground contamination that may be encountered. Policy GP7 (Environmental Protection & Public Health) is met in terms of ground contamination.

7.12 Trees & Ecology

7.12.1 The site was landscaped at the time of its development and contains a significant number of trees that make a positive contribution to the local environment in visual terms and also offer limited ecological interest. Under the indicative layout many of these trees would be lost which has prompted an objection from the Tree Officer. However the indicative layout provides scope for additional planting on the site perimeter where green verges could be retained and limited scope for suitable planting within the scheme which could include small trees and shrubs. As such the loss of mature trees can be mitigated for to some extent and conditions can be applied to protect retained trees during the construction process. In conclusion the loss of trees on the site would not be unacceptable since tree retention and planting in combination would offer an appropriate level of amenity to future occupiers and the wider area. No unacceptable visual harm to the character of the area would accrue and Policy GP5 (Natural Environment) and GP2 (Amenity) is complied with.

7.12.2 In ecological terms the Ecology Officer advises that subject to controls over when felling works are carried out there would be no adverse impact on ecological interests (nesting birds). Policy GP5 (Natural Environment) is complied with.

7.13 Fume extraction

7.13.1 The proposal includes an element of A3 which is very likely to involve the preparation of hot food. It is also likely that there will be residential units in close proximity to any

A3 unit. As such the mechanical extraction of fumes and their filtration will be necessary. This can be achieved under condition.

7.14 Loss of library

- 7.14.1 Part of the Council's Community Centre would be demolished to facilitate the construction of the new retail provision. However the retained element of the centre will allow library provision to be retained. Policy CF12 (Protection of Community Facilities) is complied with since an alternative equivalent provision can be made at the site.

7.15 Section 106 Planning Obligation matters

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

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant	Viability Issues?
<i>Regeneration, Investment and Housing</i>	<i>To provide on-site affordable housing</i>	<i>Provide 20% affordable housing on-site (mix and type to be agreed with the Council). Alternatively, in exceptional circumstances, an off-site commuted sum could be agreed (in accord with the Affordable Housing SPG) for the provision of affordable housing for the City of Newport.</i>	<i>As requested.</i>	<i>No</i>
<i>Education</i>	<i>To mitigate for the impacts of increased rolls on local schools</i>	<p><i>The development falls within the catchment area of Llanwern High School, Ringland Primary School and Ysgol Gymraeg Casnewydd Primary School. Whilst it is recognised that no education contribution is requested for affordable housing, it is necessary to ensure that dwellings sold or rented on the open market will adhere to the following formula:</i></p> <p><i>Number of secondary pupils generated by market dwellings (at the date of validation of the associated Reserved Matters application) in excess of available capacity at Llanwern High School x £15,302 = Secondary Education Sum;</i></p> <p><i>Number of post 16 pupils generated by market dwellings (at the date of validation of the associated Reserved Matters application) in excess of available capacity at Llanwern High School x £16,427 = Post 16 Education Sum;</i></p> <p><i>Number of primary pupils generated by market dwellings (at the date of</i></p>	<i>As requested.</i>	<i>No</i>

		<p>validation of the associated Reserved Matters application) in excess of available capacity at Ringland Primary School and Ysgol Gymraeg Casnewydd Primary School x £16,115 = Primary Education Sum.</p> <p>On submission of the associated Reserved Matters application, the Owner and/or developer will notify the Council in writing of the number and type of dwellings which are to be 'open market' dwellings</p> <p>All Education Sums will be index linked to the BCIS and paid in instalments (to be agreed)</p>		
Streetscene	To mitigate for the increased demand for public open space and play facilities	<p>There is a deficit of equipped and formal play provision within the Ringland Ward.</p> <p>Whilst it is recognised that no leisure contribution is requested for affordable housing dwellings, it is necessary to build-in safeguards to ensure that any dwellings sold or rented on the open market, will be subject to leisure planning obligation contributions. As such, any 'open market' dwellings will be subject to a financial leisure contribution, based on the following formula:</p> <p>Number of one bed 'open market' apartments (at the date of validation of the associated Reserved Matters application) x £1,821;</p> <p>Number of two bed 'open market' apartments (at the date of validation of the associated Reserved Matters application) x £3,816;</p> <p>Number of two bed 'open market' houses (at the date of validation of the associated Reserved Matters application) x £3,816;</p> <p>Number of three bed 'open market' houses (at the date of validation of the associated Reserved Matters application) x £5,724;</p> <p>Number of 4+ bed 'open market' houses (at the date of validation of the associated Reserved Matters application) x £7,632;</p> <p>On submission of the associated Reserved Matters application, the Owner and/or Developer will notify the Council in writing of the number and type of dwellings which are to be 'open market' dwellings</p> <p>All Leisure Sums will be index linked to the RPI and paid in instalments (to be agreed)</p>	As requested.	No

The applicant has agreed the Heads of Terms. In relation to affordable housing the examining Inspector for the Newport Local Development Plan concluded:

5.12 I conclude that the affordable housing policy provisions of the Plan, as amended by the MACs, are supported by robust and credible evidence, are consistent with national policy objectives concerning affordable housing provision and are sufficiently flexible to recognise the circumstances of individual sites.

Policy H4 (Affordable Housing) seeks the delivery of 20% of units as affordable. As noted above the Planning Inspectorate has already concluded that this requirement is justified in evidence. The adopted Planning Obligations SPG makes out the case for contributions in relation to education and open space. In this application given there are no firm details in relation to numbers of units then the S106 contributions will be based in formulas as described above.

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 so long as a suitable condition protects elderly and disabled persons during the decanting process.

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

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

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

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

9. CONCLUSION

9.1 The proposal is acceptable and outline permission can be granted.

10. RECOMMENDATION

GRANTED WITH CONDITIONS SUBJECT TO A S106 AGREEMENT WITH DELEGATED AUTHORITY TO REFUSE PERMISSION IF THE LEGAL AGREEMENT IS NOT SIGNED WITHIN 3 MONTHS OF ANY RESOLUTION TO GRANT PERMISSION.

Pre-commencement Conditions

CEMP

No works shall commence on site (including demolition) until a Construction Environment Management Plan (CEMP) has been submitted to and agreed in writing by the Council. The CEMP shall include details of:

- wheelwashing
- location of site offices and welfare facilities including the scale of any demountables or other structures to be used;
- the location of any permanent / semi-permanent onsite plant such as cement silos, cranes and any other large plant;
- the location of storage / laydown areas and information on the heights of stored materials, including stockpiles of soil, demolition waste or other arisings on the site;
- location of temporary haul roads;
- location and style of security fencing;
- details of site lighting;
- details of contractors parking;
- measures to control dust;
- measures to control runoff;
- hours of work;

Thereafter all works shall proceed in accordance with the CEMP.

Reason: to protect residential amenity and the local environment. Policies GP2 &

GP5.

Phasing Plan

The development shall proceed in accordance with a Phasing Plan that shall be submitted to and agreed in writing by the local planning authority prior to the demolition or partial demolition of any commercial unit. For clarity the phasing plan shall provide for the early delivery of the commercial floor space proposed by the scheme.

Reason: to provide valuable community services in the interests of sustainability and general amenity (Policies SP1 and GP2).

Decanting

No occupied dwelling or flat shall be demolished until a programme of decanting has been submitted to and agreed in writing by the Council. The programme shall clarify how existing tenants will be rehoused and how the Public Sector Equality Duty will be met in relation to all relevant protected characteristics including age and disability and identify any phased approach that may be taken. Following the Council's written agreement the decanting programme shall be carried out as agreed prior to the demolition of any dwelling or prior to any phase of demolition if relevant.

Reason: to ensure that this decision complies with the Equality Act 2010.

Pre-construction Conditions

Foul & Surface Water

No construction shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment. Policies SP4 & GP7.

Internal Noise

The proposed development, other than demolition, shall not commence until a scheme has been submitted to and approved in writing by the Local Planning Authority, following confirmation of the confirmed layout of the development, to provide that all habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

Reason: To ensure that the amenities of future occupiers are protected. Policies GP2 and GP7

External Noise

The proposed development, other than demolition, shall not commence until a scheme has been submitted to and approved in writing with the Local Planning Authority to confirm the acoustic attenuation measures that will be implemented so proposed garden areas can meet the outdoor design 50dB LAeq,16hr criteria.

Reason: To ensure that the amenities of future occupiers are protected. Policies GP2 and GP7.

Fume Extraction

Reserved Matters submissions shall clearly identify any A3 unit and shall contain details of fume extraction to serve that unit. The Reserved Matters shall demonstrate that cooking fumes can be acceptably filtered and extracted and shall demonstrate that no unacceptably adverse impacts in terms of odour, noise or visual amenity from

external plant shall accrue. The submission shall contain details of the appearance of any plant for fume extraction, levels of filtration and the noise characteristics of the plant. Following then Council's approval of those reserved matters the fume extraction equipment shall be installed as approved prior to the preparation of any hot food in the A3 unit and shall be retained thereafter.

Reason: to prevent unacceptable odour nuisance, noise nuisance or adverse impacts on visual amenity. Policy GP2.

Ground Contamination

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. Policy GP7.

Cross Sections & Levels

Prior to any construction on the site a detailed set of cross sections and long sections through the site showing the final site levels and the heights of individual plots and the relationship between the site levels and the surrounding ground shall be submitted to the Council. This shall include details of any retaining walls or underbuild. Following the Council's written agreement the development shall proceed in accordance with the agreed sections and levels.

Reason: to ensure the proposed level changes on the site have no adverse impact on the amenity of future residents or neighbouring occupiers. Policy GP2.

Pre-occupation Conditions

Waste Storage

Prior to the occupation of any dwelling, flat or commercial unit Reserved Matters submissions shall identify waste storage arrangements for all commercial and residential units and show that they are adequate in type and capacity to meet the needs of the end user. The agreed arrangements shall be put into place on the occupation of any unit and shall be adhered to thereafter. No waste shall be stored other than as approved.

Reason: in the interests of highway circulation, public health, public safety and public amenity. Policies GP2, GP3, GP4, GP6 & GP7.

Other conditions requiring the submission of information

Trees

No trees on the site shall be lopped, topped or felled until a programme of tree works has been submitted to and agreed in writing by the Council. The programme shall clearly identify which trees are to be removed, which are to be retained and what works are proposed for any retained tree in terms of lopping, topping or other major works to that tree. During the demolition and construction process any retained tree or group of trees shall be fenced off along a line that is to be submitted as part of the programme of tree works. The tree protection fencing shall accord with the default specification set out in British Standard 5837:2012. No materials or waste shall be stored, vehicles transited, fires lit or fluids disposed of or processes carried out within the fenced off area. No other tree works shall be carried out other than the approved ones during the demolition and construction phase of the scheme.

Reason: to protect valuable landscape features on the site in the interests of visual amenity and the character of the area. Policies GP5 and GP2.

Directive Conditions

Plant Noise

The rating level of the noise emitted from plant located at the site shall not exceed the existing background noise level at any time by more than 5dB(A) at any residential property when measured and corrected in accordance with BS 4142: 1997.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected. Policies GP2 & GP7.

Nesting Birds

No tree shall be lopped, topped or felled during the bird nesting season other than in accordance with Paragraph 6, first Bullet Point of the Preliminary Ecological Survey (01/07/2018).

Reason: to protect any nesting birds on the site. Policy GP5.

NOTE TO APPLICANT

01 This decision relates to the following plans and documents:

- Drawing 17095(05)100 - Site Location Plan
- Drawing 17095(05)101 – Proposed Masterplan
- Drawing 17095(05)200 – Parameters Plan, Land Use
- Drawing 17095(05)201 - Parameters Plan, Key Open Space
- Drawing 17095(05)202 - Parameters Plan, Access & Movement
- Drawing 17095(05)203 - Parameters Plan, Scale
- Drawing 17095(05)204 – Proposed Services Plan
- Drawing 413.01 Revision A - Landscape Strategy
- Drawing SAAC.18.035 - Tree Constraints Plan Ringland, Newport
- Asbri Letter LM 17.221 dated 05 December 2018
- Environmental Noise Survey 5018/ENS1 (08 October 2018)
- Market Advice on End Commercial Units (November 2017)
- Planning Statement (December 2018)
- Preliminary Ecological Survey (September 2018)
- Drainage Strategy (03 December 2018)
- Preapplication Consultation Report (November 2018)
- Statement of Community Consultation (August 2018)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, SP10, SP12, SP13, SP18, SP19, GP1, GP2, GP3, GP4, GP5, GP6, GP7, CE3, H1, H2, H3, H4, H9, T3, T4, T5, CF2, CF12, W2, W3 & R8.

03 Adopted Supplementary Planning Guidance relevant to this determination is:

- Parking Standards
- Trees, Woodland, Hedgerows & Development Sites
- Planning Obligations
- Affordable Housing
- New Dwellings
- Outdoor Play Space Provision
- Wildlife & Development
- Security Measures for Shopfronts and Commercial Premises

04 Since this permission was in outline with all matter reserved, there are no approved plans.

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

APPLICATION DETAILS

No: 18/1181 **Ward:** *RINGLAND*

Type: **OUTLINE**

Expiry Date: **10-FEB-2019**

Applicant: ***NEWPORT CITY HOMES***

Site: ***RINGLAND CENTRE***

Proposal: ***OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED FOR DEMOLITION OF RINGLAND CENTRE, 6NO. BUNGALOWS AND LIBRARY AND CONSTRUCTION OF APPROXIMATELY 170NO. HOMES AND 1700 SQUARE METRES OF A1/A2/A3 FLOORSPEACE, LANDSCAPING, INTERNAL ROAD NETWORK, CAR PARKING AND ASSOCIATED INFRASTRUCTURE***

1. LATE REPRESENTATIONS

1.1 The applicant has provided additional information relating to the decanting process by which residents will be rehomed following the demolition process. Three documents have been provided:

- NCH response to request for Equalities Assessment
- Newport City Homes Decant Policy (P23)
- Common Housing Allocations Policy (June 2015); Home Options Newport

- 1.2 The 'response' document confirms that the scheme will result in the demolition of 26 units. Of these 6 are 'pensioner' bungalows and the rest are maisonettes above the shops. 21 of the units are currently occupied including all of the bungalows.
- 1.3 The Cot Farm development adjacent to this site will provide 56 new units. Of the flats 11 will be ground floor units with their own entrances providing similar accommodation to a bungalow. As such the households in the bungalows have scope to be accommodated within the new development. In terms of the maisonettes the 'response' notes that:

The tenants who live above Ringland Centre are a mix of families and single persons and based on current household make up there is sufficient family housing and single person accommodation within the Cot Farm development to rehouse all of the tenants who wish to remain in Ringland.

Again, there is scope for these residents to be accommodated in the new development.

- 1.4 The 'response' concludes that 13 residents have expressed an interest in being rehoused on Cot Farm, 6 elsewhere in the City and 2 have not responded but further efforts are being made to engage with these persons.

2. OFFICER RESPONSE

- 2.1 This information would engage with proposed condition relating to decanting. That condition reads as follows:

Decanting

No occupied dwelling or flat shall be demolished until a programme of decanting has been submitted to and agreed in writing by the Council. The programme shall clarify how existing tenants will be rehoused and how the Public Sector Equality Duty will be met in relation to all relevant protected characteristics including age and disability and identify any phased approach that may be taken. Following the Council's written agreement the decanting programme shall be carried out as agreed prior to the demolition of any dwelling or prior to any phase of demolition if relevant.

Reason: to ensure that this decision complies with the Equality Act 2010.

- 2.2 Officers consider that the new information does not remove the need for the condition or provide such detail as to allow a directive condition to be used instead i.e. requiring the decanting process to proceed in accordance with the newly submitted information. As such the proposed condition should stand unaltered.

2. OFFICER RECOMMENDATION

- 2.1 That the application should be approved as per the Officer Report.

APPLICATION DETAILS

No: 5 **18/0837** **Ward:** *ALWAY*

Type: **FULL**

Expiry Date: **08-MAR-2019**

Applicant: **JANG HUSSAIN**

Site: **5, GLANWERN RISE, NEWPORT, NP19 9BS**

Proposal: **SINGLE STOREY REAR EXTENSION AND NEW RETAINING WALL AND ENGINEERING WORKS TO CREATE LEVEL AREA TO REAR OF HOUSE**

Recommendation: **GRANTED WITH CONDITIONS**

1. INTRODUCTION

- 1.1 This application seeks consent for the retention of engineering works to create a level area to the rear of the house and the erection of a retaining wall. The application also seeks consent for the erection of a single storey rear extension.
- 1.2 The proposal seeks consent for the retention of a retaining wall that currently measures a height of 3m but is proposed to be reduced to a height of 2m following negotiation with the LPA. The garden was previously sloping and an area of this was removed in order to create a level area to the rear of the property to facilitate the proposed extension. The ground level behind the retaining wall will be sloped at a 45° angle. The proposed single storey flat roof rear extension will measure a height of 2.8m, a depth of 3.8m and a width of 4.2m.
- 1.3 This item is presented to committee at the request of Councillor Harvey.

2. RELEVANT SITE HISTORY

No relevant site history.

3. POLICY CONTEXT

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

- 3.3 Policy GP6 (Quality of Design) states: good quality design will be sought in all forms of development. The aim is to create a safe, accessible, attractive and convenient environment. In considering development proposals the following fundamental design principles should be addressed:
- i) Context of the site: all development should be sensitive to the unique qualities of the site and respond positively to the character of the area;
 - ii) Access, permeability and layout: all development should maintain a high level of pedestrian access, connectivity and 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): Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts us on 0800 917 2652 to establish the location and status of the sewer.

5. INTERNAL COUNCIL ADVICE

- 5.1 **HEAD OF REGENERATION AND REGULATORY SERVICES (BUILDING CONTROL):** Building Control doesn't deal with retaining walls unless they form part of the house or extension i.e. in a basement for example or the house /extension are built into the land, however, following concerns raised by a neighbour concerning the potential danger of the wall, a Building Control Officer has inspected the wall and provided further comments.

- 5.2 **HEAD OF CITY SERVICES (STRUCTURAL ENGINEER):** From a purely planning aspect I have no further comments, but the technical details for the build including the slope and retaining wall need to meet the requirements of Building Control.

6. REPRESENTATIONS

- 6.1 **NEIGHBOURS:** All neighbours with a common boundary were consulted (2no properties) and the following concerns were raised;

7 Glanwern Rise

- I was made aware that building was taking place when the excavators started digging out and removing many tonnes of clay. This was in the beginning of July (not the beginning of August as Stated in Section 4 of Mr Hussains Application).
- Fears over the garden falling in.

- The most serious concerns that I have is that adequate drainage will be put in place. There is a void between the proposed extension at no 5 and my boundary which I would like clarification on. The gardens are very steep and water does run down from the woods and gardens.
- At this height the proposed extension is almost 830 mm above our existing fence and will most certainly affect the light coming in to our garden
- I would also like to know how Mr Hussain is going to maintain the side of the extension with no access. There will be just approximately 300mm gap between the boundary of my garden and his extension. The “void “or gap is the distance between my boundary and the side of the extension. From what I can work out on the plans this is about 300mm. I am concerned about: Keeping this area clean from a collection of debris, leaves etc. and a collection of rainwater. Will there be adequate drainage put in place to handle this.
- I would also like to add that the skylights on the extension will make the extension even higher.
- As the retention wall has been built without any planning permission, can I be assured that such a high wall has adequate footings and were these checked on inspection prior to the walls being built.

9 Glanwern Rise

- Mr and Mrs Hussain began works to the property early in the summer. They have already removed a considerable amount of the back garden, leaving the garden of my neighbours at number 7 in a precarious position, as there is no support to the lower portion of their back garden. The gardens on the Rise are cut directly into the hillside and are terraced and steep.
- I cannot see from the drawings submitted what Mr and Mrs Hussain’s intentions are concerning drainage. The area is heavy clay and does not drain well in bad weather. Having seen the area of back garden already cleared by Mr and Mrs Hussain, there is a large pipe, presumably for drainage, which was uncovered during excavations.
- My main concern however is in relation to the size of the proposed extension. If I have read the drawings correctly, Mr and Mrs Hussain intend to build within 1 metre of their boundary and to take the extension to the maximum permitted of 4 metres deep, hence the removal of the lower portion of their garden. I cannot be certain about the height of the proposed kitchen extension but I understand the maximum permitted is either 3 or 4 metres. Whichever height they build to, it will impact on my view along to the end of the Rise looking towards the cul-de-sac, as it will be considerably higher than the boundary walls between the houses. It will in effect block my view completely, all I will be able to see will be a high, white rendered wall, and in all likelihood it reduce the level of natural light reaching the back of my property. Due to the way the properties were built into the hillside, the rear of the houses are naturally quite dark in any event and I believe the extension will only make this worse.
- Mr and Mrs Hussain have made no attempt to discuss their intentions with any of their neighbours; we only became aware of the works when excavations began some months ago.

6.2 COUNCILLOR (DEBBIE HARVEY): Requested the application is determined at committee for the following reasons; He hasn’t got planning permission, the issue of the deluge of water during winter months, he has de-stabilised the bank by digging it all out and the bank has underground springs and any ‘digging out’ will cause ongoing issues for the other residents.

7. ASSESSMENT

- 7.1 The proposed extension will measure a height of 2.8m, a depth of 3.8m and a width of 4.2m. The proposed extension will be set 1m from the retaining wall. Fenestration will consist of patio doors in the side elevation and 2 no roof lights. It is proposed that the extension would be finished in white render to match the existing dwelling and sit on a red brick plinth. The proposed single storey flat roof extension would typically constitute permitted development, however, as the engineering works were completed in order to facilitate the extension, both the extension and engineering works require planning permission. The extension would be set in from both neighbouring boundaries. In terms of amenity, the property is a detached dwelling and the proposed extension is to be located on the rear elevation of the property. There are no windows proposed in the side elevation facing no.7 Glanwern Rise. There are patio doors facing towards no.3, however, the proposed extension is set in approx 4.5m from this boundary. As such it is considered that there would be no element of overlooking or loss of privacy caused to either neighbour. As the proposed extension is a single storey flat roof extension with a height of 2.8m, it is considered that there would be no overbearing impact caused to neighbouring properties. It is considered that the extension would not result in a detrimental impact on residential amenity by way of overbearing impact, loss of light or loss of privacy and so accords with policy GP2. In terms of design, the proposed extension would not be visible from public vantage points, however it is proposed that the extension be finished in materials to match the existing dwelling and so it is considered that the proposed extension would be in keeping with the character and appearance of the host property and would not detract from the visual amenity of the area. Fenestration is comparable in size and design with the existing dwelling. It is therefore considered that the proposal accords with policy GP6.
- 7.2 The adopted House Extensions and Domestic Outbuildings Supplementary Planning Guidance states that where ever possible extensions should be built on the rear or least important elevations of properties and the size and form should be appropriate to the main building and the space around it. The proposed development is a single storey rear extension that is out of view from the public highway. It is considered that the size of the extension is proportionate to the host dwelling and there is an appropriate amount of amenity space left undeveloped to the rear of the property.
- 7.3 The retaining wall that is currently on site measures a height of 3m. The applicants are proposing to amend this wall resulting in its height being decreased to 2m, akin to the height of a standard boundary enclosure. It is proposed to finish the wall with vertical black timber cladding to match the existing boundary fence. The rear garden is steeply sloped and an area of this was removed in order to create a level area to the rear of the property to facilitate the proposed extension. The retaining wall was then erected in order to support the rear garden. The plans have since been amended so that the ground level behind the retaining wall will be sloped at a 45° angle. This will result in the wall being reduced in height from the current height of 3m to 2m. Whilst it is appreciated that it is a substantial retaining wall, due to the topography of the garden, a wall of this height is necessary to hold the remaining garden. It is considered that due to the distance of the wall from neighbouring properties, it would not result in a harmful impact with regard to an overbearing impact or loss of light. With regard to the design of the wall, it is proposed to finish the wall in vertical black timber cladding that would match the existing boundary fence. It is considered that this would be acceptable and would not detract from the character of the property or area. Therefore it is considered that the retaining wall accords with policies GP2 and GP6.
- 7.4 **When taking into consideration concerns that have been raised by neighbours, only material planning considerations can be given weight. The LPA has**

consulted the Council's Building Control service and Structural Engineer in light of concerns raised by nearest neighbours and the risk to safety of occupants of the site. Following initial comments raised by the Structural Engineer, the wall has been amended and reduced on plan. The Structural Engineer has raised no further concerns following reconsultation of the amendments but for clarity sake, the wall does not fall within the control of Building Regulations when assessing the merits of the proposal. Notwithstanding this, should Building Control receive a complaint regarding concern for a dangerous structure, this would be investigated. Concerns were raised by neighbours over the potential danger of the retaining wall and so a Building Control Officer has inspected the site and returned with the following comments; *'as we have been informed, the wall is approximately 3m high and is 'complete' in that it is rendered to its principle elevation. It is constructed in dense concrete block laid 'on flat' and doubled up in width. I was unable to ascertain if there is any correct lapping or coursing to the wall due to the backfill to the rear and the render to the front. The owner, Mr Hussain stated that there is steel reinforcement to the wall but I am unable to confirm this. The construction in solid rather than hollow block would normally prevent steel reinforcement being applied in the conventional sense. I understand that the wall is to be reduced by approx. 1m in height. This would improve the wall in terms of its structural stability – however I do not believe that it would satisfy the requirements for a retaining structure if such a structure was notifiable works. The quality of the blockwork is poor, as is the quality of the finish. The returns especially are questionable as they are constructed in single block and therefore have less retaining capacity. There are weepholes present at 2 stages to the height of the wall. I was unable to confirm if these holes are active or whether they are through the thickness of the wall as would be required. This would affect the loading on the wall as it would cause a build-up of moisture to the rear of the structure, increasing the pressure. My conclusion is that the wall has not been constructed as a retaining wall should be, it is of poor quality and is incorrectly specified – however I do not believe at this time that it is presenting a danger and would therefore not come under the remit of Building Control under The Building Act s.77 or s.78. This is not to say that the structure will present a danger in the future. I cannot vouch at this stage for the structures ongoing structural capacity. Whilst attending site I found that works to the extension have already commenced in that footings have been poured and the structure has been brought to oversite stage. There is currently no Building Regulations Application submitted for this structure and this was communicated to the owner. The work that has been undertaken to the extension to this stage is not compliant – this will be resolved by Building Control when undertaking our standard inspections. With relation to the drainage – Aco land drains have been installed to what will be the perimeter of the extension. I do not believe that these have been installed correctly and are not draining away satisfactorily. This is most likely what is causing the build-up of ground water to the neighbouring property. Again, this drainage will come under the remit of Building Control when an application is received from the owner or his agent. We will require this to be corrected under the Building Regulations.'*

- 7.5 The Building Control Officer considers that the reduction in height of the wall to 2m will improve the wall in terms of its structural stability. Whilst the quality of the brickwork and finish is poor, the Officer does not believe at this time that it is presenting a danger and would therefore not come under the remit of Building Control under The Building Act s.77 or s.78. The Officer also commented on the current land drain that has been installed. It is considered

that this has not been installed correctly and is not draining away satisfactorily, however, this will come under the remit of Building Control when an application is received. If an application is not received, the applicant will face prosecution. It is therefore considered that no demonstrable harm can be identified or could reasonably form a reason for refusal. Immediate neighbours potentially have additional separate routes through which they can seek reassurance on any impact upon their own elevated gardens, (i.e. the Party Wall Act) but separate legal advice would need to be sought by neighbours on this.

- 7.6 Further concerns have been raised by the neighbour at no.7 Glanwern Rise with regard to a loss of light to her property. Therefore, in accordance with the SPG, tests have been carried out in order to assess the potential impact of loss of light to the kitchen in the neighbour's property (no.7), which is the ground floor window that is closest to the neighbour's extension. From the neighbour's kitchen window, both the 45° horizontal and vertical tests pass. The SPG states that both tests would need to fail in relation to a single protected window for any impact in terms of loss of light to be considered harmful. Therefore, it is considered that there will not be a harmful loss of light afforded to the kitchen of no.7 Glanwern Rise. Whilst the roof lights will increase the height of the extension, they are only 0.2m high and it is not considered that this will result in a harmful impact on the amenity of the neighbour. Concerns have also been raised by the neighbour at no.9 Glanwern Rise with regard to drainage and the structural integrity of the retaining wall. These issues have been addressed above. Concerns were also raised with regard to a loss of light to no.9, the properties are detached and the proposed extension is a flat roof single storey extension. The neighbour is located two properties away and the light tests passed from the adjacent neighbouring property (no.7), therefore, it is considered that there is no material loss of light that would result in a harmful impact on the amenity of the neighbouring occupiers.

8. OTHER CONSIDERATIONS

8.1 *Crime and Disorder Act 1998*

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

8.2 *Equality Act 2010*

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

8.3 Having due regard to advancing equality involves:

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

8.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact

upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

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

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

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

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

9. CONCLUSION

- 9.1 The proposal by reason of its location, scale and design would preserve visual amenities, access to daylight and privacy to neighbouring occupiers and would preserve the character and appearance of the property. The proposal is therefore in accordance with policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the adopted House Extensions and Domestic Outbuildings Supplementary Planning Guidance (adopted August 2015).

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Plans and Elevations as Existing and Proposed PL01 Rev G.

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 external surfaces of the extension hereby permitted shall only be of materials to match those of the existing building.

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

03 At no time shall the roof of the extension hereby permitted be used as a balcony.

Reason: To protect the amenity of adjoining residents.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Plans and Elevations as Existing and Proposed PL01 Rev G.

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

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

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

APPLICATION DETAILS

No: 6 17/0759 Ward: **STOW HILL**

Type: FULL

Expiry Date: 09-NOV-2018

Applicant: **CHRIS JONES**

Site: **21A, NORTH STREET, NEWPORT, NP20 1JY**

Proposal: **CHANGE OF USE OF 2NO. BUILDINGS INTO 6NO. SELF-CONTAINED RESIDENTIAL UNITS TO INCLUDE EXTERNAL ALTERATIONS TO MAIN BUILDING AND EXTENSION WITH REPLACEMENT ROOF TO DETACHED OUTBUILDING TO CREATE A TWO STOREY UNIT**

Recommendation: **GRANTED WITH CONDITIONS**

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the change of use of 2 no. buildings into 6 no. self contained residential units including external alterations to the main building and the upward extension and replacement roof to the detached outbuilding to create a two storey building. The application site is known as 21A North Street and it lies within the St Woolos conservation area and within an archaeologically sensitive area.
- 5.2 The main building is an irregular shaped two storey building which was previously occupied by a day centre for adults with autistic spectrum disorder. St Woolos primary school is adjacent to the site along the north boundary and to the rear there are residential properties. To the south of the main building is an existing flat roof single storey outbuilding which has previously been used for storage. There is hardsurfacing in front of this building. A lane passes in front of the site which provides access to the site and the parking area of residential properties at the rear of 84-84 Stow Hill, the lane continues as a pedestrian access further south.

2. RELEVANT SITE HISTORY

04/1438	CHANGE OF USE FROM INDUSTRIAL TO DAY CENTRE FOR ADULTS WITH AUTISTIC SPECTRUM DISORDER	Granted with conditions
---------	--	-------------------------

3. POLICY CONTEXT

- 3.1 **Newport Local Development Plan 2011-2026 (adopted January 2015)**
- Policy **SP1 Sustainability** favours proposals which make a positive contribution to sustainable development.
- Policy **SP9 Conservation of the Natural, Historic and Built Environment** protects habitats and species as well as Newport's listed buildings, conservation areas, historic parks and gardens, scheduled ancient monuments, archaeologically sensitive areas and landscape designated as being of outstanding historic interest.
- Policy **SP13 Planning Obligations** enables contributions to be sought from developers that will help deliver infrastructure which is necessary to support development.

Policy **SP18 Urban Regeneration** supports development which assists the regeneration of the urban area, particularly the city centre and the reuse of vacant, underused or derelict land.

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

Policy **GP3 General Development Principles – Service Infrastructure** states that development will only be provided where necessary and appropriate service infrastructure either exists or can be provided. This includes power supplies, water, means of sewage disposal and telecommunications.

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

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

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

Policy **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 **H8 Self Contained Accommodation and Houses in Multiple Occupation** sets out the criteria for subdividing a property into self-contained flats. The scheme must be of appropriate scale and intensity not to unacceptably impact on the amenity of neighbouring occupiers and create parking problems; proposals must not create an over concentration in any one area of the city; and adequate noise insulation is provided and adequate amenity for future occupiers.

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

Policy **CF12 Protection of Existing Community Facilities** resists the loss of existing community buildings unless alternative provision is made or it is demonstrated that the building is surplus to the needs of the community.

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

3.2 **Supplementary Planning Guidance:** Affordable Housing

Flat Conversions
New Dwellings
Parking Standards
Planning Obligations

4. CONSULTATIONS

- 4.1 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: No objection.
- 4.2 WALES AND WEST UTILITIES: Advise of apparatus in the area.
- 4.3 DWR CYMRU – WELSH WATER: No objection subject to a condition to prevent surface water drainage from connecting with the public sewerage system.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF LAW AND REGULATION (ENV. HEALTH): No objection subject to conditions requiring the submission of a construction environmental management plan, a restriction on the hours of construction, details of a scheme of waste storage and recycling, along with advice regarding electric vehicle charging points.
- 5.2 HEAD OF LAW AND REGULATION (CONTAMINATION): The former land use may have contributed to contamination of the underlying soils. Recommend a full contaminated land risk assessment is undertaken. As this is a conversion of an existing structure it is recommended that at least a preliminary risk assessment is submitted prior to determination.
- 5.3 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 Newport West (based upon 30% provision). As such, the development would generate a commuted sum provision of £24,726.
 - 5.3.1 No contributions are sought for education.
 - 5.3.2 Whilst there is a surplus of 'Informal' play provision within the Stow Hill ward, there is a deficit of 'Equipped' and 'Formal' play provision. The proposed development generates a commuted sum requirement of £14,918 to upgrade and maintain equipped and formal play provision at Belle Vue Park.
- 5.4 HEAD OF CITY SERVICES (LEISURE): No response.
- 5.5 HEAD OF CITY SERVICES (HIGHWAYS): The applicant has submitted a parking layout which shows that 6 spaces will be provided on site. Given the sustainability of the location it's determined that 1 space per unit would be acceptable. In addition to the 6 residential spaces a visitor space is also required and it would appear that this could not be accommodated on site.
 - 5.5.1 I'm also concerned that the proposal could result in increased vehicle movements and the potential for conflict between highway users along the lane. The existing lawful use of the property must be taken into consideration and where it's determined that the proposal will not increase the demand for parking or vehicle movements to the site, I would offer no objection.
 - 5.5.2 Should planning be approval be granted a CEMP should be conditioned.

5.5.3 *Following the submission of an amended parking layout:* I'm concerned that the positioning/orientation of space six will result in overhanging of the highway. Vehicles should also access perpendicular to the highway. I would suggest that this could be achieved by altering the orientation of the space 6 so that reversing manoeuvres are directed towards the turning area and not across the access.

5.6 HEAD OF EDUCATION: No response.

5.7 HEAD OF CITY SERVICES (ECOLOGY): Are any works proposed to the roof of the main building or the attic space of the main building. If so I would recommend a bat scoping be undertaken to identify any potential roosting points/opportunities and any signs of bat use.

5.8 HEAD OF CITY SERVICES (DRAINAGE): It has been proposed that a 'soak way' is used within the site development. I suggest that appropriate ground permeability testing and design is undertaken in accordance with BRE 365.

5.9 HISTORIC BUILDINGS AND CONSERVATION OFFICER: No response.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All neighbours sharing a common boundary and opposite the application site were consulted (14 properties), a site notice was posted and an article published in the South Wales Argus. 3 responses from 2 addresses have been received raising the following:

- Concern about the proximity of windows to the neighbouring playground and the impact on the safety of the pupils;
- Concern about the impact on the safety and wellbeing of pupils during construction works;
- Concern about increased traffic on North Street and the potential blocking of the lane running from North Street to Clifton Road during construction works;
- Concern about the impact on parking;
- Concern about a loss of privacy from the lounge window of the proposed first floor flat (main building) and the three roof lights (work shop – north elevation), both would be within 10 metres.

6.2 COUNCILLOR AL-NUAIMI: Requests the application is referred to Planning Committee if officers are minded to approve the application. There are concerns from the staff in St Woolos School regarding privacy and safety of the school children arising from the very close proximity of the application site. There are also concerns about waiving the planning contributions.

6.3 COUNCILLOR THOMAS: I am aware of the concerns of the school and I am also disappointed that s106 will be waved.

7. ASSESSMENT

7.1 It is proposed to convert the main building into 3 no. 1 bed flats and 2 no. 2 bed flats. External alterations include blocking up part of the ground floor opening on the ground floor which has an existing roller shutter door and inserting a new window and door, the creation of two windows and a door on the ground floor and two windows on the first floor in the south facing elevation, blocking up a first floor window in the rear elevation and changing a ground floor door facing into an external courtyard to a window.

7.2 It is proposed to raise the height of the existing outbuilding from 4m with a flat roof to a maximum of 6m with a pitched roof. It would create a 2 bedroom dwelling. It is also

proposed to insert new openings in all elevations including 5 no. roof lights in the roof slope. It is also proposed to create 6 no. parking spaces and a turning area within the hardstanding area.

Loss of community facilities and reuse of building

- 7.3 The existing use of the building is D1 and as such it could be used as a community facility. Policy CF12 states that proposals that would result in the loss or change of use of buildings currently used for community facilities will only be permitted if:
- or
- i) alternative provision can be made, of at least an equal benefit to the local population;
 - ii) it can be demonstrated that the existing provision is surplus to the needs of the community.

- 7.4 The building has been vacant for at least 3 years. It is also recognised that the Baneswell community centre just north of the application site has been vacant for a number of years. There is no evidence of a demand to retain this building in community use. Policy SP18 favours the reuse of vacant and underused buildings in the urban area. It is considered that policy CF12 is satisfied and policy SP18 provides support for the overall principle of converting the buildings.

Residential amenity

- 7.5 In terms of residential amenity Policy GP2 requires development to not have a significant adverse effect on local amenity, not be detrimental to visual amenities of nearby occupiers or the character or appearance of the surrounding area and provide adequate amenity for future occupiers. Policy H8 states that self-contained accommodation will only be permitted if the scale and intensity of the use does not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on street parking problems; and adequate noise insulation is provided.
- 7.6 The buildings are located in a predominantly residential area although there is St Woolos primary school to the north. It is considered that the residential use of the building would be compatible with those uses. The Councils Environmental Health Officer has not raised any concerns in relation to noise and disturbance. It is acknowledged that concerns have been raised by the school and these are discussed in paragraphs 5.16 and 5.17.
- 7.7 In terms of the residential amenity of future occupiers the Flat Conversions Supplementary Planning Guidance (SPG) seeks to ensure that flats provide reasonable living conditions and it recommends a minimum internal floor space standard of 45 sq.m for 1 bed flats and 60 sq.m for 2 bed flats. All of the flats meet or exceed this standard. It is considered that all of the flats are well served with natural light and they have a reasonable outlook. There are no instances of protected windows overlooking each other within the development itself and as such it is considered that privacy would be protected. It is recognised that there are no opportunities for outdoor amenity space to be provided. However, the proposed flats are in close proximity to the facilities offered by the city centre and there is a public park around 50m south of the application site. Given the proximity to these facilities the lack of outdoor amenity space is considered to be acceptable.
- 7.8 In terms of neighbouring residential amenity no. 80 and 82 Stow Hill share a rear boundary with the application site. The rear elevation of the main building has a rear projection which would have a bedroom window on the ground and first floor. This elevation does not face directly towards no. 80 Stow Hill and it is not considered that there would be a loss of privacy from these windows. The remaining part of the rear

elevation does have a more direct relationship with no. 80. There is an existing first floor window in the rear of the application building however, it is proposed to block up this window and as such there would not be any loss of privacy to both habitable windows and the rear garden.

- 7.9 No. 82 Stow Hill is a residential property containing two flats. The rear elevation of this building comes up to the shared boundary between the application site and is around 1.2m from the outbuilding. There are no windows in this rear elevation. There is a tall brick wall, in excess of 2m high forming the remainder of the shared boundary. It is not considered that the upward extension of the outbuilding would adversely affect the residential amenities of occupiers in these neighbouring flats.
- 7.10 The outbuilding is around 1m from the side boundary of no. 80 Stow Hill. It would therefore be in close proximity to the rear garden of this property. However, it is not considered to result in an overbearing impact as there is significant vegetation along the boundary and within the garden of no.80 which provides screening to this part of the application site. Furthermore, the resulting eaves height of the proposed outbuilding would only be 10cm higher than the existing eaves height. It would also have a pitched roof and as such its impact on the neighbouring garden is not considered to be significantly harmful.
- 7.11 The occupier of no. 80 Stow Hill has raised concern that there could be a loss of privacy to the rear garden from the three proposed roof lights in the north facing elevation of the converted outbuilding. The roof lights would serve two bathrooms and a bedroom. In order to protect privacy a condition is imposed to ensure these windows are obscurely glazed.
- 7.12 It is noted that planning permission was recently granted to change the use of no.78 from a beauty salon to a residential property. Planning permission was granted in November 2018 and it is not known whether the consent has been implemented. However, it is necessary to consider the impact of the proposed development on the residential use of this building.
- 7.13 The rear-most projection of the building faces towards the rear elevation of no.78. In this projection there would be a bedroom window and door at ground floor; and a bedroom window at first floor. To the rear of this projection there is a triangular shaped garden area. The planning permission for no. 78 Stow Hill allows a bathroom and living room at ground floor and a bedroom at first in the rear of the building. These rooms would have windows facing towards the application building. There would be less than 21m between the proposed bedroom windows and the bathroom window to no.78 however, as bathroom windows are not protected there would be no loss of privacy to this window. The living room and bedroom windows to no. 78 would be set back from the bathroom window and 21m would be achieved between the proposed windows in the application building. It is therefore considered that privacy to neighbouring windows would be protected.
- 7.14 As the proposed rear garden is triangular in shape the rear garden serving no.78 Stow Hill is in close proximity to the rear-most projection of the application building. The garden level of no.78 is at a higher level than the ground floor of the application building. As such there are no opportunities for over looking of the garden area from the proposed ground floor rear bedroom window. However, it is considered that there would be opportunities for overlooking of the garden from the first floor bedroom window. In order to mitigate this impact it is considered necessary to impose a condition requiring this window to be obscurely glazed. The bedroom would be served

by an additional window in the side elevation and as such it is considered that the room would continue to have an acceptable outlook.

Impact on St Woolos Primary School

- 7.15 Concern has been raised that some of the windows in the main building would overlook the playground of the school and this could have an impact on the safety of pupils. Of particular concern is a large ground floor window positioned in the rear elevation which directly overlooks the school playground. The window previously served an office/reception area and it is now proposed to serve a living room. Whilst the concerns of the school are acknowledged it is not considered that a residential use of the building and its windows would result in harmful impacts on the safety of children in the playground. The behaviour of any future occupants of the proposed flats cannot be controlled through the planning system. Furthermore, it is not considered that a residential use would be any more harmful to the safety of the school than the existing D1 use which could resume at any point.
- 7.16 The School is also concerned about the safety and wellbeing of pupils during the construction works. The Councils Environmental Health Officer and Highways Engineer recommend that a Construction Environmental Management Plan (CEMP) is secured by a condition. The CEMP would require details of noise mitigation measures, dust suppression measures, temporary lighting, waste disposal, the enclosure of working areas, contractor parking/construction site access, wheel washing facilities and construction delivery and traffic management to ensure there is no conflict with school drop off and collection times. It is considered that with this condition the safety and wellbeing of pupils would be protected.

Conservation Area and Quality of Design

- 7.17 The existing buildings are not considered to display any architectural quality and it is considered that their contribution to the conservation area is neutral. In terms of external alterations to the main building these are limited to the blocking up of some existing openings, some new windows and doors and the replacement of uPVC windows with new uPVC windows. It is also proposed to excavate a small portion of the land adjacent to the south facing elevation in order to create a new door and window to serve a ground floor flat. It is not considered that these alterations would be visually harmful, nor would they result in a harmful impact on the character and appearance of the conservation area.
- 7.18 In terms of the outbuilding the external alterations are more significant with a new pitched roof and new windows and doors proposed throughout. Whilst the proposals are more significant it is not considered that a new pitched roof or new uPVC windows and doors would be visually harmful. Whilst uPVC is not a traditional material the existing building is not traditional with little architectural merit. Furthermore there are numerous examples of uPVC windows and doors in the neighbouring buildings and as such, in this instance, it is not considered that their use would not be harmful to the character and appearance of the conservation area.

Highways and parking

- 7.19 The application site is located in parking zone 2. However, the city centre is less than 300m away and as such it is considered to be in a sustainable location. The previous use of the main building was as a day centre for adults with autism, the outbuilding was used for storage. The centre catered for 20 to 25 adults with 6 staff. In terms of parking demand the Parking Standards SPG does not identify a standard for this specific use however; it is most akin to a health centre or an educational setting. The worst case parking demand would be 1 space per each staff member, 1 commercial vehicle space and 1 space per user. This would equate to 31 spaces and 1 commercial

vehicle space. The proposed use creates a demand of 9 parking spaces (at a ratio of 1 space per bedroom) and 1 visitor space. It is proposed to provide 6 spaces within the hardstanding area which would result in a shortfall of 4 spaces. When considering the existing parking demand and the sustainable location of the application site it is not considered that this shortfall would be unacceptable.

- 7.20 The proposed development would be accessed off an existing lane which is partly used by vehicles accessing the residential development south of the application site (4 properties) and partly used by pedestrians. Given the previous use of the building and the associated parking demand it is not considered that the proposed use would result in any additional harm to the users of this lane.
- 7.21 The Highways Officer has raised concern that the original parking layout would result in conflict between two of the spaces. The Highways Officer is satisfied with the amended but raises concern that parking space 6, which is located closest to the access lane would overhang the highway and that this space should be accessed perpendicular to the highway. The Officer suggests that altering the orientation of this space would address these concerns. A condition is recommended which requires an amended parking layout to be agreed prior to the occupation of the residential units.

Contamination

- 7.22 The Councils Scientific Officer considers that the former land use may have contributed to the contamination and recommends that a full contaminated land risk assessment is undertaken, with at least a preliminary risk assessment submitted prior to the determination of the application. The concerns relate to contamination of the structure of the building and the ground.
- 7.23 The buildings were last used as a day care centre and prior to this use it is known to have been used for boiler repairs. Historical maps show previous uses of the site to be a Sunday school, youth club and contractors depot although the age of the building is not known. Whilst the recommendations of the Scientific Officer are acknowledged there is no evidence that the previous uses would have contributed to contamination of the building or the surrounding land. It is not considered reasonable to require the applicant to undertake such an assessment but it is considered appropriate to impose a condition which would require the remediation of any contamination should it be discovered during the course of the conversion works.

Protected species

- 7.24 The Councils Ecology Officer has queried whether works are proposed to the roof of the main building or its attic space. If such works are proposed then a bat scoping should be undertaken. The applicant has confirmed that no works are proposed to the roof or its attic space.

Archaeology

- 7.25 The application site is located in an archaeologically sensitive area. The Glamorgan Gwent Archaeological Trust recognise that some ground intrusion works would be required however; they consider these to be small scale and unlikely to encounter any archaeologically significant remains. They have no objection to the proposal.

Waste Management

- 7.26 It is considered that there would be suitable space within the site to store refuse and recycling bins. However, as no details are provided it is considered necessary to secure a suitable waste storage area via a condition.

Planning Obligations

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

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
Regeneration, Investment and Housing	To provide a commuted sum payment for affordable housing.	A commuted sum provision of £24,726 (based on 30% provision in the Housing Target Area of Newport West).	£0	Yes
City Services (Leisure)	Improvement to existing local leisure facilities.	A commuted sum of £14,918 to upgrade and maintain equipped and formal play provision at Belle Vue Park.	£0	Yes

- 7.28 Viability In this case, the developer has provided information in relation to the viability of the planning obligations required to mitigate the harms caused by the scheme. A viability assessment was undertaken and the Head of Regeneration and Regulatory Services (Planning Contribution Manager) has reviewed the submitted information and has confirmed that the scheme has a negative viability. As such, the affordable housing contribution should be waived on this occasion.

8. OTHER CONSIDERATIONS

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

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

8.2 ***Equality Act 2010***

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

8.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and

- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

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

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

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

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

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

9. **CONCLUSION**

9.1 The proposed development is considered to be acceptable and in accordance with policies SP9, SP13, SP18, GP2, GP4, GP5, GP6, GP7, CE6, CE7, H4, H8, T4, CF12 and W3 of the Newport Local Development Plan (adopted January 2015). It is not considered that the proposed development would have a harmful impact on existing or future residential amenity, highway safety, archaeological remains, the character and appearance of the surrounding area and the conservation area or on protected species. It is recommended that planning permission is granted subject to conditions.

10. **RECOMMENDATION**

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans: KD1621/1, KD1621/2B, KD1621/3A, KD1621/4C, KD1621/5B and site location plan.

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

Pre- commencement conditions

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

- Noise mitigation measures, to minimise the creation and impact of noise;

- Dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition, February 2003;
- Details of any temporary lighting;
- Waste disposal;
- Details of enclosure of working areas, contractor parking and compound;
- Details of contractor parking areas and construction site accesses;
- Wheel wash facilities
- How deliveries and construction traffic will be managed to ensure that these type of vehicle do not conflict with the drop off and collection times associated with the school.

Development works shall be implemented in accordance with the approved CEMP. The approved Construction Environmental Management Plan (CEMP) shall be adhered to at all times.

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

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

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

04 No development shall commence until details of the surface drainage system has been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented fully in accordance with the approved scheme prior to the occupation of any dwelling.

Reason: To ensure adequate drainage is provided.

Pre –occupation conditions

05 Prior to first occupation of the residential units approved, a scheme for the provision of waste storage and recycling shall be implemented in accordance with details which have first been 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.

06 Prior to the first occupation of unit 6 (as shown in drawing KD1621/4C) hereby approved, the roof light windows in its north facing elevation shall be fitted with obscure glazing and shall be retained in that state thereafter in perpetuity.

Reason: To protect the privacy of adjoining occupiers.

07 Prior to the first occupation of flat 5 (as shown in drawing KD1621/2B) hereby approved, the bedroom window in the rear, east facing elevation shall be fitted with obscure glazing and shall be retained in that state thereafter in perpetuity.

08 Notwithstanding the submitted plans, prior to the first occupation of the residential units hereby approved, space for the parking of vehicles shall be provided within the curtilage of the site in accordance with a parking layout which shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be kept available for such use at all times.

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

General conditions

09 No window or door openings (other than those shown on the approved plan) shall be formed in any elevations of the application buildings.

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

10 Any unforeseen 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/Validation 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.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP9, SP13, SP18, GP2, GP4, GP5, GP6, GP7, CE6, CE7, H4, H8, T4, CF12 and W3 were relevant to the determination of this application.

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

03 The developer should avoid carrying out noisy development; (including land raising and demolition if required) except between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays. Noisy development should be avoided altogether on Sundays or Bank Holidays.

04 Newport City Council has declared numerous air quality management areas and to encourage a change to ultra-low/zero emission methods of transport. The applicant is advised to consider installing electric vehicle charging points within the vehicle parking area. Funding may be available for the installation via the government grant scheme - <https://www.gov.uk/government/collections/government-grants-for-low-emission-vehicles>

05 In relation to condition 4 Welsh Water has advised that no surface water and/or land drainage would be allowed to connect directly or indirectly with the public sewerage network. Alternative sustainable methods of surface water drainage should be explored when addressing condition 2.

APPLICATION DETAILS

No:7 **18/1098** **Ward:LLISWERRY**

Type: **FULL (MAJOR)**

Expiry Date: **07-MAR-2019**

Applicant: **STARBURST LTD**

Site: **LAND AND BUILDING FORMING PART OF CAR SUPERMARKET
TRADE CENTRE, LANGLAND WAY, NEWPORT**

Proposal: **ERECTION OF BUILDING TO PROVIDE 1225M SQUARED OF
FLOOR SPACE FOR USE CLASSES B1/B2/B8 TOGETHER WITH
ASSOCIATED PARKING AND SERVICING**

Recommendation: Granted with Conditions

1. INTRODUCTION

- 1.1 This application seeks consent for the erection of a building to provide 1225 square metres of floor space for B1/B2/B8 use and associated parking at the former Carcraft site at Langland Way, Spytty.
- 1.2 The site is located within the urban boundary of Newport, on previously developed land. There is a local and national policy presumption in favour of sustainable development and the redevelopment of the site is therefore considered by officers to be acceptable in principle subject to all other relevant considerations which in this instance relate mainly to design, neighbouring amenity, parking and highway safety and flood risk.
- 1.3 The application is being reported to Planning Committee as the proposals fall within the 'major' category as the floorspace being created exceeds 1000 square metres.

2. RELEVANT SITE HISTORY

95/0163	CHANGE OF USE TO VEHICLE SALES AND ANCILLARY USES TO INCLUDE OFFICES CAR STORAGE AND REPAIR WORKSHOPS AND DEMOLITION OF OUTBUILDINGS	Granted with Conditions
16/0438	ERECTION OF 2NO. BUILDINGS FOR B1/B2/B8 USE TO PROVIDE 5,498 SQUARE METRES OF FLOOR SPACE AND ASSOCIATED INFRASTRUCTURE INCLUDING PARKING AND CIRCULATION AREAS	Granted with Conditions
16/0960	PROPOSED CHANGE OF USE OF EXISTING BUILDING FROM SUI GENERIS CAR SHOWROOM TO RESTRICTED CLASS A1 RETAILING (BULKY GOODS) AND CLASS B8 WITH ANCILLARY TRADE COUNTERS TOGETHER WITH ASSOCIATED ELEVATIONAL CHANGES AND CAR PARKING/SERVICING	Granted with Conditions

18/0427	CHANGE OF USE OF UNIT TO CLASS A1 (RETAIL) TOGETHER WITH ASSOCIATED CAR PARKING	Granted with Conditions
18/0560	PROPOSED CHANGE OF USE OF EXISTING UNIT FROM CLASS B1/B2/B8 TO CLASS D2 SOFT PLAY UNIT, TOGETHER WITH ASSOCIATED CAR PARKING	Granted with Conditions
18/0130	CHANGE OF USE OF UNIT TO CLASS D2 GYM, TOGETHER WITH ASSOCIATED CAR PARKING	Granted with Conditions
18/0366	RETENTION OF CHANGE OF USE TO TANNING STUDIO (SUI GENERIS) TOGETHER WITH ASSOCIATED CAR PARKING	Granted with Conditions

3. POLICY CONTEXT

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

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

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

SP17 – Employment allocates 172 hectares of employment land for the plan period.

SP18 – Urban Regeneration supports development which assists the regeneration of the urban area, particularly the city centre and the reuse of vacant, underused or derelict land.

GP1 – Climate Change states that development should be designed to withstand predicted climate change and reduce the risks and consequences of flooding, minimise energy requirements, reuse/recycle construction material and meet the relevant BREEAM or Code for Sustainable Homes Level.

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

GP3 – Service Infrastructure states that development will only be provided where necessary and appropriate service infrastructure either exists or can be provided. This includes power supplies, water, means of sewage disposal and telecommunications.

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

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

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

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

3.2 **Adopted Supplementary Planning Guidance:**

Parking SPG – August 2015

Archaeology & Archaeologically Sensitive Areas SPG – August 2015

4. **CONSULTATIONS**

4.1 NATURAL RESOURCES WALES: We would only recommend planning permission be granted subject to a minimum finished floor level condition.

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

4.3 DWR CYMRU - WELSH WATER: We note that the developer has chosen the main sewer as the method of surface water disposal. The developer should instead utilize sustainable surface water disposal options (i.e. infiltration, watercourse etc). Therefore, we request that if you are minded to grant Planning Consent for the above development that conditions are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

5. **INTERNAL COUNCIL ADVICE**

5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): The applicant has submitted a transport note which assesses the parking generation in accordance with the Newport City Council Parking Standards. I am satisfied with the assessment completed and would therefore offer no objection to the application.

5.2 HEAD OF LAW AND REGULATION (NOISE): A condition requiring the submission of opening hours is requested.

6. **REPRESENTATIONS**

6.1 NEIGHBOURS: All properties within 50m site were consulted (7no properties), a site notice displayed and a press notice published in South Wales Argus. No responses were received.

7. **ASSESSMENT**

7.1 The application site is located within the confines of the former Carcraft site and comprises 0.54 hectares. The wider Carcraft site which has seen significant regeneration within the last few years. The proposed building would be sited to the south-west of the former Carcraft building and between two existing buildings to the north-west and southern boundary of the site. The rectangular shaped building would measure approximately 60m in length, 20m in width and 8.4m in height. The building would have a shallow pitched roof and would be utilitarian in its design to match the existing buildings. The building would be sub-divided to provide four smaller units in order to provide flexibility for future occupiers. Parking would be provided on all four sides of the proposed building. A cycle store would also be provided. Roller shutter doors are proposed in the south-east elevation.

7.2 Vehicle access to the site is from the existing access off Langland Way. The site is surrounded by a mixture of established commercial and industrial uses to the east, south and west and to the north it is bordered by the Southern Distributor Road. Planning permission has recently been granted for the change of use of some of the units within the wider site to a children's soft play centre, gym, tanning centre and bakery.

7.3 The proposed employment use of B1/B2/B8 would provide 1,225 square metres of additional floor space. This would contribute to the Council's employment land supply. The proposals represent a sustainable use of brownfield land and are located within

an existing industrial area with associated infrastructure. The proposals are considered to be an appropriate use at the site.

- 7.4 The buildings would be clad in metallic silver micro-rib whilst the roofs would be clad in Kingspan Goosewing Grey, with skylights within the roofs. Whilst the scale of the proposed extension is considerable, within the context of the application site and the existing building it is not considered that it would be out of keeping in this predominantly industrial/commercial area.
- 7.5 The application is accompanied by a Transport Note. The proposed unit will result in a loss of 22 parking bays (2 of which are disabled), but will provide 40 parking bays (3 disabled) and a further 7 delivery bays. The total increase in parking is therefore 18 car parking spaces and a further 7 delivery bays. The total required parking provision for the wider site's consented development is therefore between 325 and 459 (depending on parking standard category), plus circa 25 commercial vehicle spaces, inclusive of the proposed development. With the proposed development in place, there would be a total of 516 car/LGV parking bays, 67 of which are disabled parking spaces. There are a further 58 marked delivery bays. It is therefore not considered that the proposed development would result in an adverse impact in terms of parking provision.
- 7.6 In terms of impact of the development on the neighbouring units, the proposals would result in a minimum distance of approximately 15m between the new and existing buildings. Given the commercial/industrial nature of the units concerned this relationship is considered to be acceptable and it is not considered that the proposals would result in an adverse impact to the amenity of neighbouring occupiers.
- 7.7 The Head of Law and Regulation has requested a condition is imposed relating to opening hours. However, given the semi-industrial/commercial nature of the wider site and that there are existing buildings without operating restrictions between the proposed building and the nearest residential properties, such a condition is not considered warranted.
- 7.8 The application site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). NRW Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, which is a designated main river. NRW note that the application is for the erection of a 1225m² building for class B1/B2/B8 use which is classified as less vulnerable development. NRW note that the proposed finished floor levels of the extension are to be set at 8.15m AOD. Based on this, NRW advise that the building is designed to meet A1.14 criteria and request that a condition requiring the finished floor levels to be no lower than 8.15m AOD is included on any permission the Council is minded to grant.
- 7.9 ***Overview of Technical Advice Note 15: Development and Flood Risk***

TAN 15 sets out a precautionary framework and identifies that new development should be directed away from areas which are at high risk of flooding (defined as Zone C), and where development has to be considered in such areas, only those developments which can be justified on the basis of the tests outlined in the TAN are to be located in such areas. The Council is expected to consult Natural Resources Wales (NRW) when considering development in Zone C1. Where a planning authority is minded to go against the advice of NRW it should inform NRW prior to granting consent allowing sufficient time for representations to be made.

7.10 **TAN 15 Tests**

Section 6.2 of TAN 15 refers specifically to justifying the location of development and that such development should only be permitted within zone C1 if determined by the planning authority to be justified in that location and demonstrated that:

- i) Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
 - ii) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners to sustain an existing settlement or region;
- and,
- iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and
 - iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 6 and appendix 1 found to be acceptable.

For the purposes of this report, criterion (i) to (iii) are referred to as Test 1 as this relates to the site justification and criterion (iv) which has a number of tests is referred to as Tests 2 to 12.

7.11 **Test 1 – Justification**

Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement

Located within the settlement boundary, Officers consider that the development is necessary as part of a local authority strategy required to sustain an existing settlement.

7.12 **It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1)**

PPW defines previously developed land as:

Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage of the development is included, as are defence buildings, and land used for mineral extraction and waste disposal where provision for restoration has not been made through development management procedures.

The proposal satisfies this test.

7.13 **Tests 2 to 12 – Consequences of Flooding**

Moreover, criterion (iv) of paragraph 6.2 of TAN 15 refers specifically to the potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 6 and appendix 1 found to be acceptable. These are referred to as tests 2 to 12 below.

- 7.14 ***Test 2 - Flood defences must be shown by the developer to be structurally adequate particularly under extreme overtopping conditions (i.e. that flood with a 1 in 1000 chance of occurring in any year).***

NRW have not objected to the development on the basis of inadequate flood defences.

- 7.15 ***Test 3 - The cost of future maintenance for all new/approved flood mitigation measures, including defences must be accepted by the developer and agreed with Natural Resources Wales.***

No flood mitigation measures proposed as part of the development.

- 7.16 ***Test 4 - The developer must ensure that future occupiers of the development are aware of the flooding risks and consequences.***

It is intended to notify the developer of this by way of an informative to the planning consent.

- 7.17 ***Test 5 - Effective flood warnings are provided at the site***

NRW identify that whilst they seek to provide timely and robust warning they cannot guarantee their provision. No objection is offered by NRW on this basis.

- 7.18 ***Test 6 - Escape/evacuation routes are shown by the developer to be operational under all conditions***

Escape/evacuation routes could flood to depths of 1.62m and has a maximum velocity of flooding of 1.52m/s which is outside of the tolerable limits prescribed in A1.15 for access purposes although the rate of rise and speed of inundation would be below the tolerable limits in TAN15 and are not considered to pose any undue risk to life. TAN 15 specifies a maximum depth of 1m for industrial developments. It can therefore be concluded that at least in part, the evacuation route would not be operational under all conditions and this test is failed.

- 7.19 ***Test 7 - Flood emergency plans and procedures produced by the developer must be in place***

NRW advise that if, as the planning authority, you are satisfied that the proposed location is the only possible location in planning terms, only then should you consider whether the above risks and consequences can be managed through measures such as emergency planning and evacuation.

- 7.20 A Flood Emergency Management Arrangement document has not been submitted. The local planning authority does not have the in-house expertise to judge the effectiveness of the emergency plan. Planning Officers are therefore not in a position to comment upon the effectiveness of the flood emergency management arrangements document is acceptable and effective. These procedures would be the responsibility of the developer.

- 7.21 ***Test 8 - The development is designed by the developer to allow the occupier of the facility for rapid movement of goods/possessions to areas away from floodwaters and Test 9 - Development is designed to minimise structural damage during a flooding event and is flood proofed to enable it to be returned to its prime use quickly in the aftermath of the flood.***

The proposed buildings have been designed to be flood free. Tests 8 and 9 are therefore satisfied.

7.22 Test 10 - No flooding elsewhere.

NRW do not object to the development on this basis.

7.23 Test 11 - Paragraph A1.14 of TAN 15 identifies that the development should be designed to be flood free for the lifetime (A1.5) of development for either a 1 in 100 chance (fluvial) flood event, or a 1 in 200 chance (tidal) flood event including an allowance for climate change (depending on the type of flood risk present) in accordance with table A1.14.

NRW do not object to the development on this basis.

7.24 Test 12 – In respect of the residual risk to the development it should be designed so that over its lifetime (A1.15) in an extreme (1 in 1000 chance) event there would be less than 1000mm of water on access roads and within properties, the velocity of any water flowing across the development would be less than 0.3m/second on access roads and 0.45m/second in properties and the maximum rate of rise of floodwater would not exceed 0.3m/hour (refer to table at paragraph 7.7.41).

The development has been designed with slab levels set at 8.15m so that over its assessed lifetime of 75 years in an extreme (1 in 1000 chance) event the building would be flood free. However, as noted under test 6 escape/evacuation routes could flood to depths of 1.62m and has a maximum velocity of flooding of 1.52m/s which is outside of the tolerable limits prescribed in A1.15 for access purposes. However, the rate of rise and speed of inundation would be below the tolerable limits in TAN15 and are not considered to pose any undue risk to life. Test 12 is therefore partly complied with.

7.25 In summary, when assessing whether the risks and consequences of flooding can be satisfactorily managed, the proposals have been shown to satisfy all but two of the tests in part A1.15 of TAN 15. Test 6 – “Escape/evacuation routes are shown by the developer to be operational under all conditions” cannot be complied with and test 12 in respect of residual risk of development. Despite this, no objection is raised by NRW as the buildings are predicted to be flood free subject to a minimum floor level which can be controlled by condition.

7.26 The source of potential flooding is from the tidal river Usk or Severn Estuary. The applicant advises that the tidal predictions including for surge conditions are undertaken on a 24hr/7days a week basis by the NRW. The current flood forecasting models underpinning NRW's Flood Warning Service should be able to provide up to 12 hours advance notice of a significant tidal event. Whilst advance flood notice should not be relied upon in isolation, it is considered that due to the tidal nature of the flood risk in this instance, some weight should be attributed to this in conjunction with all other considerations. The proposed use is 'low vulnerability' and TAN15 acknowledges the differences in terms of different types of development and associated vulnerability. Furthermore, the proposals have significant merit and include the regeneration of this prominent brownfield site and it has welcomed economic benefits.

7.27 On balance, when considering the associated flood risk together with the fact that the proposed use is low vulnerability in its nature, along with the the regeneration benefits

of the proposals, the development is considered to be acceptable in terms of flood risk subject to a condition restricting the minimum floor level of the buildings.

- 7.28 The site is within an Archaeological Sensitive Area. The Glamorgan Gwent Archaeological Trust has recently advised in relation to an application for a large extension at the site that they offer no archaeological objection to the proposed development as the ground work required by the proposed development is minimal. It is therefore not considered that any archaeological mitigation is required in this instance.

8. OTHER CONSIDERATIONS

8.1 *Crime and Disorder Act 1998*

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

8.2 *Equality Act 2010*

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

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

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have

been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

9. CONCLUSION

- 9.1 The proposals represent the development of a prominent brownfield site and would provide economic benefits, therefore according with National and Local Planning Policy. The proposed building is considered to be in scale and keeping with the host building and would not result in a detrimental impact to neighbouring amenity.
- 9.2 The proposals include the provision of parking in accordance with the Council's standards and would not result in an adverse highways impact.
- 9.3 Subject to a finished floor level condition the consequences of a flood can be acceptably dealt with.
- 9.4 It is recommended that the application is granted subject to the following conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: 818070/1, 818070/2, 818070/5.

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

Pre – construction conditions

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

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

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

Reason: In the interests of highway safety in accordance with Policy GP4 of the NLDP.

Pre –occupation conditions

03 Prior to the first beneficial use of the buildings hereby approved, the vehicle parking spaces and cycle store as shown on drawing number 818070/5 shall be demarcated as per the approved plans and shall remain available for parking in perpetuity. A minimum of 10% of the parking spaces shall be installed with electric vehicle charging points.

Reason: To ensure the development is served by adequate parking provision in the interests of highway safety in accordance with Policy GP4 of the NLDP and PPW.

General conditions

04 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 and the Town & Country Planning Use Classes Order 1987,

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

Reason: To ensure that the use remains compatible with surrounding land uses in the area in accordance with Policy SP7 of the NLDP.

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

Reason: To reduce the risk of flooding to the proposed development and future users in accordance with Policy SP3 of the NLDP.

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

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Policy SP1 of the NLDP.

NOTE TO APPLICANT

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

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

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

04 The developer is advised that the site is located with a flood risk area and is advised to install flood proofing measures and to sign up to Natural Resources Wales Flood Warning Scheme.

APPLICATION DETAILS

No:8 **18/1131** **Ward:BEECHWOOD**

Type: **FULL (MAJOR)**

Expiry Date: **14-MAR-2019**

Applicant: **TIM CROOKS, P & P BUILDERS**

Site: **CENTURION INN, HEATHER ROAD, NEWPORT, NP19 7QX**

Proposal: **DEVELOPMENT OF 10NO. UNITS INCLUDING 6NO. TWO BEDROOM FLATS, 2NO. TWO BEDROOM HOUSES AND 2NO. THREE BEDROOM HOUSES AND ASSOCIATED WORKS**

Recommendation: Granted with Conditions Subject to Section 106 Legal Agreement

1. INTRODUCTION

- 1.1 This application seeks consent for the development of ten residential units including 6no two bed flats, 2no two bed houses and 2no three bed houses and associated works at the Centurion Inn, Heather Road.
- 1.2 The site occupies a prominent corner position adjacent to the junction of Heather Road and Merlin Crescent and has an area of 0.14 hectares. The site was occupied by the Centurion Public House which has now closed, the scale of which is predominantly two storeys in height with single storey annexes. A Prior Notification application for the demolition of the pub was recently determined by the Council. Demolition of a building is permitted development under Schedule 2 Part 31 of the Town & Country Planning General Permitted Development Order 1995 (GPDO) subject to the submission of certain details ahead of the demolition. The applicant duly provided this information and as such the building can be demolished at the applicant's will irrespective of the outcome of this application.
- 1.3 The site is located within a predominantly residential area with the exception of a parade of commercial units to the south-east with residential maisonettes above. With the exclusion of the neighbouring three storey units, properties in the surrounding area are generally two storeys in height and are distinct in character with flat roofs and minimal fenestration detailing.
- 1.4 The site is within the urban boundary and given its prominent position and period of vacancy, associated incidents of anti-social behaviour and poor state of repair, officers support the principle of its redevelopment for residential purposes. There is no objection in principle to the residential use of the site subject to all relevant considerations, which in this instance relate mainly to design, neighbouring impact, parking provision, highway safety and the loss of the community facility.

2. RELEVANT SITE HISTORY

18/1242	PRIOR NOTIFICATION OF PROPOSED DEMOLITION OF PUBLIC HOUSE	PRIOR APPROVAL NOT REQUIRED
---------	---	-----------------------------

3. POLICY CONTEXT

- 3.1 ***Newport Local Development Plan 2011 – 2026 (Adopted January 2015)***
- Policy SP1 Sustainability favours proposals which make a positive contribution to sustainable development.
- Policy SP10 Housing Building Requirements 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 SP13 Planning Obligations enables contributions to be sought from developers that will help deliver infrastructure which is necessary to support development.
- GP1 General Development Principles – Climate Change: This policy seeks to ensure that the development is to withstand climate change over the lifetime of the development.
- Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
- Policy GP4 General Development Principles – Highways and Accessibility states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.
- Policy GP5 General Development Principles – Natural Environment states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.
- Policy GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.
- Policy GP7 General Development Principles – Environmental Protection and Public Health states that development will not be permitted which would cause or result in unacceptable harm to health.
- Policy H2 Housing Standards promotes high quality design taking into consideration the whole life of the dwelling.
- Policy H3 Housing Density seeks a density of at least 30 dwellings per hectare on sites of 10 dwellings or more.
- 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 T4 Parking states that development will be expected to provide appropriate levels of parking.
- Policy CF12 Protection of Existing Community Facilities resists the loss of existing community buildings unless alternative provision is made or it is demonstrated that the building is surplus to the needs of the community.
- Policy W3 Provision for Waste Management Facilities in Development states that where appropriate, facilities for waste management will be sought on all new development.

3.2 ***Supplementary Planning Guidance Adopted August 2015***

4. CONSULTATIONS

- 4.1 WALES & WEST UTILITIES: No response.
- 4.2 DWR CYMRU - WELSH WATER: We note in section 11 of the planning application form that the developer has chosen the 'main sewer' as the method of surface water disposal. The developer should instead utilize sustainable surface water disposal options (i.e. infiltration, watercourse etc). Therefore, we request that if you are minded to grant Planning Consent for the above development that conditions and advisory notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.
- 4.3 WESTERN POWER DISTRIBUTION: No response.
- 4.4 ARCHITECTURAL LIAISON OFFICER: I have no objections to the proposals from a design and layout perspective. The site has good surveillance and appears to have considered the principles found within 'Secured by Design'.
- 4.5 SENIOR FIRE PREVENTION OFFICER: No response.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF CITY SERVICES (HIGHWAYS): In accordance with the Newport City Council Parking Standards the proposed units generate a residential parking demand of 22 spaces at a ratio of 1 space per bedroom. In addition, 2 visitor spaces are required at a ratio of 1 space per 5 units. The applicant has assessed the sustainability of the location in accordance with the Newport City Council Parking Standards. I am satisfied that the site scores sufficient points to allow for a 1 space reduction as proposed by the applicant and therefore the parking requirement is as follows:

2 bed dwelling – 1 space	8 x 1 = 8
3 bed dwelling – 2 spaces	2 x 2 = 6
2 Visitor spaces	2
Total	14

The applicant proposes to retain the existing access which currently serves the Centurion Inn. In order to assess the suitability of the access the applicant must submit achievable visibility splays for consideration. Where visibility is substandard the applicant will need to submit details of existing and proposed trip generation in order to determine whether there will be any intensification of use. Any intensification of use will require a significant improvement to the access, the details of which must be submitted for consideration.

A refuse collection area will need to be provided in close proximity to the highway.

Should you be of mind to grant the application the following conditions will be required:

-Submission of CEMP which must include such details as wheel wash facilities, dust suppression, contractor parking and contractor compound.

-Vehicle movements associated with construction traffic will not be permitted during the times associated with the drop off and collection of children at the local school.

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

- 5.2 HEAD OF LAW AND REGULATION: No objection. Conditions relating to the construction phase are requested.

- 5.3 HEAD OF LAW AND REGULATION (POLLUTION): The submitted contaminated land report has recommended a full site investigation and contaminated land risk assessment. I therefore recommend the application is conditioned to ensure this work is carried out.
- 5.4 HEAD OF CITY SERVICES (ECOLOGY): No objection.
- 5.5 HEAD OF CITY SERVICES (LANDSCAPE): Raises a number of concerns relating to the landscaping information provided.
- 5.6 PLANNING CONTRIBUTIONS MANAGER: The proposed properties would address a clearly identified affordable housing need for this area of the City and should be offered on a neutral tenure basis, providing opportunities for applicants to rent or part-purchase their home. The properties should be allocated through the Common Housing Register and attain the appropriate Welsh Government standards. Should the developer decide to sell or rent the properties on the open market there would be a requirement for 20% affordable housing provision on-site (mix and type to be agreed with the Council). Alternatively, in exceptional circumstances, an off-site commuted sum could be agreed (in accordance with the Affordable Housing SPG) for the provision of affordable housing for the City of Newport.
- 5.7 HEAD OF CITY SERVICES (WASTE MANAGER): No objections.
- 5.8 HOUSING AND COMMUNITY REGENERATION MANAGER (AFFORDABLE HOUSING):
The Housing department fully supports the application made by partner housing association Newport City Homes for the redevelopment of the site of the former Centurion Public House. The proposal provides apartments and family houses which addresses the prevailing housing need for this area of the City. The properties will be affordable homes and allocated through the Council's Common Housing Register.
- 6. REPRESENTATIONS**
- 6.1 NEIGHBOURS: All properties within 50m were consulted (57no properties), a site notice displayed and a press notice published in the South Wales Argus. One objection has been received on behalf of St Julians and Beechwood Conservative Group, comments are summarised below:
- Concerns raised over 'child road safety' stemming from proposed housing development at Centurion Inn pub. More houses built on Heather Road in St. Julians would increase traffic volumes on a stretch of road that is already 'notoriously bad' and is a problem for a nearby School and local Police. The former pub was closed during the morning school run. It offered a sizeable car park to the local community. It did not contribute greatly to day-time traffic volumes. Statistics and photographs relating to road traffic collisions in the area 3rd May 2013, 3rd April 2014, 3rd October 2014, 18th July 2015, 24th February 2016 have been provided.
 - A Freedom of Information Request has been sent to St Julians Comprehensive School relating to road safety;
 - A meeting occurred at St. Julians Comprehensive School on Tuesday, 27th September 2018 where the pupils themselves raised child road safety concerns with Senior Staff at a Student Council Meeting;
 - Over 1600 pupils attend St Julians Comprehensive School with hundreds walking down Heather Road twice a day. This includes the site at the Centurion Inn. Should we realistically be building more houses along this road?
 - A Gwent Police Chief Constable has stated in the South Wales Argus that children's lives are being put at risk by illegal parking outside St Julians Comprehensive School;

-Objections have previously been made to planning applications due to parking and road safety concerns such as 90 Heather Road;

-An online petition calling for Newport Council to “Save the Cent” has been signed by 668 people. This is the last pub in the Beechwood Ward, which has a population of over 7600 people. It is a community asset that needs saving. It is shockingly bad that Beechwood will have no public houses, no social clubs, no bars and just one café left.

- 6.2 BEECHWOOD AND ST JULIANS WARD COUNCILLORS WERE CONSULTED: Councillor Townsend requested confirmation of whether the development is for social housing.

7. ASSESSMENT

- 7.1 The development would comprise a three storey apartment building sited adjacent to an existing three storey block which has commercial units at ground floor with maisonettes above. The foot print of the apartment building would measure approximately 12.8m x 13.8m and the building would be 12m in height. The ridge of the apartment building would be slightly higher than the ridge of the adjacent three storey units. The 4no dwellings would be sited alongside the apartment building attached to the side elevation effectively creating a continual terrace with a frontage having a length of 32m including the apartment building. The units would be orientated towards Heather Road with the side elevation of the end dwelling (Plot 10) orientated towards Merlin Crescent. The properties would be sited centrally within the plot with 14no parking spaces to the front and amenity space to the rear. The existing access is to be retained with a landscaping strip either side and continuing around the north-western frontage of the site adjacent to the junction of Heather Road/Merlin Crescent. A bin store and cycle store are proposed in the outdoor communal space serving the apartments, and each of the four dwellings would have a shed within the rear garden.

- 7.2 The apartments and dwellings are proposed to be 100% affordable in nature. The Council’s Housing Manager is supportive of the scheme and confirms the properties would help address the housing need within the local area. The affordable nature of the apartments is a merit of the scheme in policy terms.

7.3 Design

The properties would have a simple design in keeping with local vernacular. The facades would incorporate features such as stone window surrounds and storm porches and the use of terracotta render and grey concrete roof tiles would be in keeping with neighbouring properties. In terms of boundary treatments, 900mm high galvanised ball top black colour coated railings are proposed to the front of the properties. A 1.8m high close boarded fence with 0.3m trellis above is proposed to the rear and partly along the south-eastern boundary of the site.

- 7.4 The design of the development has evolved to take account of officer feedback and it is considered that the scheme before Committee is of a good standard of design. The design and layout has been carefully considered so that it would be in keeping with existing properties and it is considered that it would be beneficial to the visual amenity of the area.

7.5 Amenity

In terms of the relationship between the proposed dwellings and apartments and existing properties, the distances between the two are good and comply with the Council’s New Dwellings SPG. The nearest properties are 51, 53 and 62 Merlin

Crescent. These properties are sited at an oblique angle to the application site and there would be a minimum distance of 24m between the development and these properties. As previously noted, there are maisonettes above the commercial units to the east of the site. The development would have a side-by-side relationship and it is not considered that the proposals would result in a detrimental impact to neighbouring privacy or amenity. There are no windows in the side elevation of the adjacent building.

7.6 The Council's Flat Conversion SPG specifies internal dimensions of 65sqm for a new 2bed flat. The internal layout of the flats would be 62m² and so they would fall short of the Council's standards but only marginally and it is considered that the proposed apartments would provide a good standard of amenity for future occupants.

7.7 With regard to amenity space the Council's Guidance states 15 square metres of communal outdoor space should be provided per occupant for communal blocks of flats with between 1-20 occupants. The communal outdoor space provided is approximately 184m² in total in this instance. 6no three person 2 bed flats are proposed which is a total of 18 occupants. This would equate to just over 10m² per occupant which is less than the Council's standards. However, the space would be level, easily accessible and provide space for outdoor drying of clothes. Furthermore, there are public recreation areas within close proximity of the site such as Kelly Road which is 0.1 mile away from the site and Beechwood Park 0.4 mile away so residents would have access to large areas of open space within walking distance of the site, as well as the use of the communal amenity space. Given the affordable nature of the development, the scheme has significant merit and it is considered that the proposals are acceptable despite not meeting the desired level of outdoor amenity space as set out in the Council's SPG.

7.8 **Highways**

As noted above, vehicle access to the site would be from the existing access on Heather Road and 14no parking spaces would be provided to the front of the properties. In accordance with the Newport City Council Parking Standards the development would generate a residential parking demand of 22 spaces at a ratio of 1 space per bedroom and 2 visitor spaces:

7.9 The Council's Parking guidance allows for a reduction in parking provision where it can be demonstrated as part of a sustainability assessment that a site is in a sustainable location and points are awarded based on the proximity of the site to shops, services and public transport routes.

7.10 In response to the proposals and the Sustainability Assessment that has been undertaken the Head of Streetscene and City Services (Highways) confirms the site scores a minimum of 7 points which justifies a reduction of 1 space per unit plus two visitor spaces:

2 bed dwelling – 1 space	8 x 1 = 8
3 bed dwelling – 2 spaces	2 x 2 = 4
2 Visitor spaces	2
Total	14

7.11 The development therefore complies with the Council's parking standards. In response to the Highways officers comments concerning potential intensification of the access, the applicant has submitted details of the existing access showing a visibility splay of 2.4m x 43m which is achievable within Highways land in both directions. The applicant

points out that with regard to visibility to the right of the access, whilst within highway land, crosses the bus layby, the applicant affirms that given the low level of use of both the bus layby and the access, occasional and temporary obstacles to visibility are unlikely to have an impact on road safety. Visibility looking left is very good and vehicles passing round buses to the right are likely to do so with caution having regard to road width and the presence of parked vehicles on street. In addition, the pedestrian footway is routed behind the bus layby, therefore, the vehicle-pedestrian visibility is not affected by a bus in the layby. This is an existing access previously serving the pub and car park. The applicant has undertaken a robust study of existing and proposed use of the access to establish whether there would be an intensification of its use. TRICS data has been used given that the pub is no longer in operation and actual data cannot be acquired. This has established that the existing use would generate significantly more vehicle movements a day in comparison to the proposed use. It is therefore considered that the proposed use would not result in an intensification of the use of the access. Whilst the use of TRICS is a nationally accepted means of assessing traffic generation, it is accepted that the previous use would only occasionally be likely to generate significant flow and this would likely be on weekends and evenings. The Head of City Services (Highways) has been re-consulted following the submission of this information but no further comments have been provided. Nevertheless, the commercial operation of the premises as a pub or a related use such as a restaurant etc, would potentially give rise to traffic flows greater than those generated by the proposed scheme in officer view.

- 7.12 The Council's Waste Manager raises no concerns about the acceptability of the scheme from a waste perspective.
- 7.13 As noted above, comments have been received relating to road safety concerns on behalf of St Julians and Beechwood Conservative Group. The Council's Highways officers have not raised such concerns although it is requested that vehicle movements associated with construction traffic will not be permitted during the times associated with the drop off and collection of children at the local school and this can be duly controlled by condition if planning permission is forthcoming. The objector has referred to several road traffic incidents that have occurred on Heather Road. The objector acknowledges the fall-back use of the site as a public house but points out that this use did not generate significant traffic during peak traffic times such as school opening and closing. The TRICS information provided by the applicant is based on comparable affordable housing sites and shows a total trip generation of 24 vehicles within a 24 hour period with 19 of these trips occurring between 7am-7pm. The number of vehicle trips associated with the development is therefore low. Whilst the objections are duly noted, the Council would not be able to show a demonstrable harm in terms of highway safety arising from the proposed development given the fall-back use of the site and the scale of the development. The objector has referred to illegal parking outside St Julians Comprehensive School. The level of parking provision associated with the proposals would comply with the Council's standards, albeit a reduction in parking provision has been justified through the submission of a sustainability assessment in accordance with the Council's Parking SPG. Notwithstanding this, the school is over 370m away from the application site and the development is unlikely to result in an increased demand for parking outside of the school. The proposals would not result in a demonstrably harmful intensification of the access. Whilst the neighbouring residents were able to park within the car park in the recent past, this was an informal arrangement at the good will of the land owner which could cease at any time.

7.14 *Loss of Community Facility*

The pub is vacant and has been for some time. The applicant has confirmed that the current owner acquired the site in January 2018 and that prior to this the pub had been marketed for a period of at least six months. Attempts were made by a member of the community to find another operator but were not successful due to lack of interest. The applicant asserts that the pub is not financially viable and all options for its continued operation have been exhausted. The proposals satisfy Policy CF12 (Community Facilities) in that it can be demonstrated that the pub is surplus to the needs of the community due to unsuccessful attempts to sustain its on-going use. The precise number of pubs/bars/restaurants in the ward is not known and the loss of the community facility is regrettable. However, even if this application were to be refused on this basis there would be no guarantee that it would be used as a pub or for an associated use such as a restaurant in the future. To the contrary, the lack of interest from recent marketing and its long-term vacancy would indicate that it is unlikely to be used as a pub again.

- 7.15 As previously stated, the building has been vacant for some time and has been the target of un-social behaviour. It occupies a prominent position and the development of the site for affordable housing has significant merit.

7.16 *Contamination*

In response to the proposals Environmental Health Officers have advised that the submitted contaminated land report has recommended a full site investigation and contaminated land risk assessment. It is therefore recommended that this is conditioned to ensure this work is carried out.

7.17 *Drainage*

It is proposed to connect to the existing mains sewer in terms of foul and surface drainage. Dwr Cymru-Welsh Water has requested a condition is imposed requiring the developer to explore sustainable methods ahead of this.

7.18 *Section 106 Planning Obligation matters*

The proposed housing would be affordable and as such no financial contributions are triggered. The proposed properties address an affordable housing need for this area of the City. Whilst no financial contributions are requested due to the affordable nature of the housing, it is necessary to build-in safeguards to ensure that if any of the dwellings are sold or rented on the open market, the applicant will be required to enter into a Section 106 Legal Agreement.

7.19 *Landscaping*

The applicant has provided landscaping details as part of the application. However, the Council's Landscaping officer considers it to be lacking in detail and considers that there is scope for improvements to be made. As such it is recommended that further details should be required by condition if planning permission is forthcoming. Notwithstanding this, it is considered that the proposals represent an improvement in landscaping terms with the inclusion of a landscaping buffer around the front and north-western corner in contrast to the existing site which is largely concreted and offers little benefit to the area in terms of visual amenity.

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 scheme has significant merits including the provision of affordable housing within the urban area, for which it has been confirmed there is considerable demand. The proposals would also see the redevelopment of a prominent site which has recently been subject to anti-social behaviour. The demolition of the existing building on site can occur irrespective of this application.

9.2 The layout and design of the development is considered to be acceptable and the proposals would not result in detrimental impact to neighbouring privacy or amenity, nor are they considered to result in an adverse highways impact.

- 9.3 It is therefore recommended that the application is granted subject to the following conditions and Section 106 Legal Agreement.

10. RECOMMENDATION

GRANTED WITH CONDITIONS AND SUBJECT TO SECTION 106 LEGAL AGREEMENT

01 The development shall be implemented in accordance with the following plans and documents: LT1801.04.01 Revision E, LT1801-04-04 Revision D, LT1801.04.100, 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 shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following during development:

- dust suppression and mitigation measures, having regard to BRE guide 'Control of Dust from Construction and Demolition Activities;
- noise mitigation measures;
- wheel wash facilities;
- details of temporary lighting;
- details of contractor parking/compound;
- details of enclosure of working areas;
- waste disposal resulting from the site preparation, groundwork and construction phases of the development;
- management of Heavy Goods Vehicle (HGV) access to the site including measures to minimise the impact on air quality avoiding Air Quality Management Areas and avoiding vehicle idling;
- details of construction access times and delivery routes.

Development works shall be implemented and carried out in accordance with the approved CMP.

Reason: To protect the amenities of nearby residents and in the interests of highway safety and in accordance with Policy GP4 of the Newport LDP.

03 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 and in accordance with Policy GP5 of the Newport LDP.

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

Reason: To ensure that the development is completed in a manner compatible with its surroundings and in accordance with Policy GP6 of the Newport LDP.

05 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and in accordance with Policy SP1 of the Newport LDP.

06 No construction shall commence on the development hereby approved until details of the proposed bin store and bike stand structure have been submitted to and approved in writing by the Local Planning Authority. The bin store and bike stand shall be constructed in accordance with the approved details prior to the first beneficial use of the building and then maintained thereafter.

Reason: To ensure the development is completed in a satisfactory manner and in the interests of highway safety and in accordance with Policies GP4 and GP6 of the Newport LDP.

07 Notwithstanding the details already provided, prior to the commencement of development a detailed landscaping scheme, showing both hard and soft landscaping proposals, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in accordance with the approved drawings not later than the expiry of the next planting season following commencement of the development, or within such other time as may be approved with the Local Planning Authority. The landscaped areas shall be subsequently maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants, or areas of seeding or turfing comprised in the approved landscaping plans, which fail within a period up to 5 years from the completion of the development.

Reason: To ensure the site is satisfactorily landscaped in the interests of the visual amenity of the area and in accordance with Policy GP6 of the Newport LDP.

Pre –occupation conditions

08 The access, parking provision and general arrangement shall be carried out strictly in accordance with the details shown on the approved plans before the dwellings hereby permitted are first occupied and then maintained in such a state thereafter.

Reason: In the interests of highway safety and in accordance with Policy GP4 of the Newport LDP.

09 Prior to the first occupation of the apartments and dwellings hereby approved, the boundary treatments shall be erected in accordance with the approved details and shall be retained in perpetuity.

Reason: In the interests of the visual amenity of the area and in accordance with Policy GP6 of the Newport LDP.

General conditions

10 The buildings hereby approved shall be carried out in accordance with the approved section details.

Reason: In the interests of the visual amenity of the area and in accordance with Policy GP6 of the Newport LDP.

11 The windows in the side elevation of plot 10 shall be obscure glazed at the time of installation and shall remain thus in perpetuity.

Reason: In the interests of neighbouring amenity.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP10, SP13, GP1, GP2, GP4, GP5, GP7, H2, H4, T4, CF12 and W3 were relevant to the determination of this application.

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

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

04 To encourage the uptake of zero emission vehicles in efforts to reduce air pollution it is recommended a number of the parking spaces are installed with electric vehicle charging points. Cabling could be installed in the remainder of the parking spaces to allow for additional charging points to be installed at a later stage.

05 The applicant is advised on behalf of Dwr Cymru – Welsh Water that proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves

more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

06 The applicant is advised that pursuant to condition 2 vehicle movements associated with construction traffic will not be permitted during the times associated with the drop off and collection of children at the local school.

APPLICATION DETAILS

No: 9 **18/1141** **Ward:LLISWERRY**

Type: **FULL**

Expiry Date: **10-APR-2019**

Applicant: **SAM HILL, NEWPORT NORSE**

Site: **CARNEGIE LIBRARY, CORPORATION ROAD, NEWPORT, NP19**
0GP

Proposal: **CONSTRUCTION OF BASE AND SITING OF CONTAINER**

Recommendation: **GRANTED WITH CONDITIONS WITH DELEGATED AUTHORITY GIVEN TO THE HEAD OF REGENERATION INVESTMENT AND HOUSING TO ISSUE A DECISION AFTER MARCH 8TH 2019 IF NO OBJECTIONS ARE RECEIVED BEFORE THIS TIME**

1. INTRODUCTION

- 1.1 This application seeks consent for the construction of a base and the siting of a container at Carnegie library, Corporation Road.

2. RELEVANT SITE HISTORY

04/0236	ERECTION OF GALVANISED STEEL FENCE AROUND PERIMETER BOUNDARY	GRANTED WITH CONDITIONS
13/0701	DEMOLITION OF EXISTING SINGLE STOREY GARAGE AND STORE TO ALLOW EXTENSION TO EXISTING BUILDING TO CREATE SINGLE STOREY FLYING START UNIT AND CRECHE	GRANTED WITH CONDITIONS
15/1026	SITING OF METAL STORAGE CONTAINER	GRANTED WITH CONDITIONS

3. POLICY CONTEXT

- 3.1 Policies GP2 (General Amenity) and GP6 (Quality of Design) of the Newport Local Development Plan 2011-2026 (adopted January 2015) are relevant to the determination of this planning application.

- 3.2 Policy GP2 (General Amenity) states: development will be permitted where, as applicable:

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

- 3.3 Policy GP6 (Quality of Design) states: good quality design will be sought in all forms of development. The aim is to create a safe, accessible, attractive and convenient environment. In considering development proposals the following fundamental design principles should be addressed:
- i) Context of the site: all development should be sensitive to the unique qualities of the site and respond positively to the character of the area;
 - ii) Access, permeability and layout: all development should maintain a high level of pedestrian access, connectivity and be laid out so as to minimise noise pollution;
 - iii) Preservation and enhancement: where possible development should reflect the character of the locality but avoid the inappropriate replication of neighbouring architectural styles. The designer is encouraged to display creativity and innovation in design;
 - iv) Scale and form of development: new development should appropriately reflect the scale of adjacent townscape. Care should be taken to avoid over-scaled development;
 - v) Materials and detailing: high quality, durable and preferably renewable materials should be used to complement the site context. Detailing should be incorporated as an integral part of the design at an early stage;
 - vi) Sustainability: new development should be inherently robust, energy and water efficient, flood resilient and adaptable, thereby facilitating the flexible re-use of the building. Where existing buildings are present, imaginative and sensitive solutions should be sought to achieve the re-use of the buildings.

4. CONSULTATIONS

- 4.1 NATURAL RESOURCES WALES (NRW): No objection.

5. INTERNAL COUNCIL ADVICE

- 5.1 None.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties with a common boundary and opposite the application site were consulted and no comments have been received.

7. ASSESSMENT

- 7.1 The proposed container is to be sited on the north western side of the site facing Milner Street. The concrete base will measure a width of 4.7m and a depth of 3.4m. The container will be sited on the base and will measure a width of 2.4m, a depth of 3m and a height of 2.6m. The proposed container will be finished in blue and has a double door on the front elevation. The proposed container will be used for the storage of play equipment in relation to Flying Start.
- 7.2 The container will be located on a concrete base that will abut the boundary of the site. The container will be set in approx. 0.5m. The base is unobtrusive and the container is small. However, it is sited prominently and is of temporary appearance that jars with the traditional architecture of the main building. Although the temporary siting of the building is acceptable, this should not be a permanent arrangement. There is sufficient space from the container and any residential properties, as such it is not considered that the siting of the container will result in a harmful impact on residential amenity. It is not considered that the container by virtue of its size, design and location will result in a demonstrable harm on the character of the surrounding area subject to a limited permission of 3 years. It is therefore considered that the proposed development accords with policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

8. OTHER CONSIDERATIONS

8.1 *Crime and Disorder Act 1998*

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

8.2 *Equality Act 2010*

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

8.7 *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 and in accordance with policies GP2 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

10. RECOMMENDATION

GRANTED WITH CONDITIONS WITH DELEGATED AUTHORITY GIVEN TO THE HEAD OF REGENERATION INVESTMENT AND HOUSING TO ISSUE A DECISION

AFTER MARCH 8TH 2019 IF NO OBJECTIONS ARE RECEIVED BEFORE THIS TIME

01 The development shall be implemented in accordance with the following plans and documents: Proposed Container Elevations P01, Proposed Concrete Base Altered P1 and Steelstore Plan P1.

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

02 This permission shall be for a limited period of 3 years from the date of this decision. After such a time, the container shall be removed and the land restored to its former condition, unless prior to that date a further consent has been granted.

Reason: To enable the Local Planning Authority to review the situation at the end of the temporary period.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan, Location Plan P01, Proposed Container Elevations P01, Proposed Concrete Base Altered P1 and Steelstore Plan P1.

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

APPLICATION DETAILS

No: 10 **18/1233** **Ward: STOW HILL**

Type: **FULL (MAJOR)**

Expiry Date: **13-FEB-2019** **EXTENSION OF TIME: 22 March 2019**

Applicant: **TIM CROOKS, P&P BUILDERS**

Site: **LAND TO NORTH OF AND ADJACENT TO 57A, LOWER DOCK STREET, NEWPORT**

Proposal: **REDEVELOPMENT OF SITE AND CONSTRUCTION OF NEW BUILDING TO PROVIDE 17NO. AFFORDABLE APARTMENTS AND ASSOCIATED WORKS**

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

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the redevelopment of a currently derelict site on the corner of Lower Dock Street and Emlyn Street to provide 17 no affordable apartments and associated works. The scheme involves residential development comprising of 17 x 1-bed flats. This would be provided in a new three-storey building situated on the corner with Emlyn Street and Lower Dock Street. The ground floor would contain 5 x 1-bed, the first floor 6 x 1-bed and the second floor 6 x 1-bed.
- 1.2 The site is located within the settlement boundary of Newport and in the Lower Dock Street Conservation Area and adjacent to a Grade II Listed Building (58 Lower Dock Street).
- 1.3 The application is being reported to Planning Committee as the proposals fall within the 'major' category.

2. RELEVANT SITE HISTORY

15/0315	CONSERVATION AREA CONSENT FOR DEMOLITION OF BUILDING	Withdrawn
06/0117	VARIATION OF STANDARD CONDITION TO EXTEND TIME PERIOD FOR COMMENCEMENT OF DEVELOPMENT OF PLANNING PERMISSION 00/0035 FOR THREE STOREY PUBLIC HOUSE AND RESTAURANT DEVELOPMENT	Granted with Conditions
00/0035	THREE STOREY PUBLIC HOUSE AND RESTAURANT DEVELOPMENT, INCORPORATING THE EXISTING FABRIC OF NO 42 EMLYN STREET	Granted with Conditions

3. POLICY CONTEXT

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

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

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

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

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

Policy GP1 Sustainability seeks to pursue has been developed in accordance with sustainability principles and this Policy seeks to carry that through into individual developments.

Policy GP2 General Amenity states that development will not be permitted where is 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 GP5 Natural Environment states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.

Policy GP6 Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability development will not be permitted where is 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.

Policy GP3 Service Infrastructure development will be permitted where the necessary and appropriate service infrastructure exists and that there is sufficient capacity for the development. This includes power supplies, water, means of sewage disposal and telecommunications.

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

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

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

Policy H2 Housing Standards states that residential development should be built to high standards of environmental and sustainable design, taking into account the whole life of the dwelling.

Policy H3 Housing Mix and Density applies to residential development of 10 dwellings or more, it seeks to provide a range of housing types at a minimum density of 30 dwellings per hectare to ensure development land is used efficiently which will help to create sustainable communities.

Policy H4 Affordable Housing states that on-site provision of affordable housing will be required on all new housing sites of 10 or more dwellings within the settlement boundary, or 3 or more dwellings within the defined village boundaries. For housing sites below this threshold the Council will see a commuted sum contribution.

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

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

3.2 *Supplementary Planning Guidance (Adopted)*

- Lower Dock Street Conservation Area Appraisal
- Planning Obligations, August 2015
- Wildlife and Development, August 2015
- Parking Standards, August 2015
- Air Quality, February 2018

4. CONSULTATIONS

- 4.1 DWR CYMRU/WELSH WATER: We acknowledge in the Desk Study Report (p14) that infiltration will not be feasible. However, the applicant has not demonstrated that other sustainable disposal methods could be achieved. We refer the applicant to the Welsh Government 'Statutory standards for sustainable drainage (SuDS)' of which there are four levels of sustainable surface water disposal methods outlined in a hierarchal approach (including rain water harvesting, infiltration, watercourses, highway drain/surface water sewer). As there are currently other sustainable methods of which may be able to be utilized, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Conditions

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall

provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

WATER SUPPLY

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

- 4.2 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: Information in the regional Historic Environment Record, curated by this Trust, shows that the proposed application is situated within a conservation area and is also adjacent to Newport's Archaeologically Sensitive Area, however, there are no designated archaeological sites located within the proposed development area. A review of the historic ordnance survey maps, dating from 1884 to 1937, shows that the ground has been extensively disturbed from previous development with numerous structures depicted within the proposed development area, including a Public House on the First Edition OS map of 1884.

The application is for the redevelopment of the site and construction of a new building with associated works. You may recall our response, dated 22nd May 2015, to an earlier application regarding the demolition of the buildings at the site (15/0315), in which we responded that it was unlikely that the proposed works would have an impact on any archaeology and consequently, had no objection to the positive determination of the application.

Our understanding of the archaeological resource remains the same and consequently, as the ground has been extensively disturbed from previous development and recent demolition, it is considered unlikely that significant buried

archaeological remains will be encountered during the groundworks associated with the proposed development.

As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application. However, the record is not definitive and features may be disturbed during the course of the work. In this event, please contact this division of the Trust.

- 4.3 WALES AND WEST: No response received
- 4.4 SENIOR FIRE PREVENTION OFFICER: No response received
- 4.5 POLICE: No response received
- 4.6 NEWPORT CIVIC SOCIETY: No response received
- 4.7 NEWPORT ACCESS GROUP: No response received
- 4.8 NEWTORK DEVELOPMENT CONSULTANTS: No response received
- 4.9 AMBULANCE: No response received

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF CITY SERVICES (HIGHWAYS): The site is located in a sustainable location, being within Zone 1 City centre and therefore benefits from the close proximity of a number of services, faculties and public transport. Parking is therefore not required.

I note that the applicant intends for refuse to be collected via Cross Lane. I have concerns of the suitability of the lane to accommodate a refuse vehicle. The width of the lane and the lack of footways brings pedestrians into direct conflict with oncoming vehicles. In addition, the restricted width will also bring vehicles into direct conflict resulting in reversing manoeuvres being carried out. The use of the lane for a refuse vehicle is therefore considered detrimental to highway safety. I accept however that if the lane forms part of the existing refuse vehicle route, then the situation regarding refuse collection along the lane will remain unchanged. The Waste manager should however be contacted for clarification on this matter.

The proposal includes the relocation of the bus stop. I've discussed this with the Integrated Transport unit and they've confirmed that the principal of relocating the bus stop is acceptable however they cannot confirm the acceptance of the new location as this will require further assessment. Should planning approval be granted a condition should be attached which states that the bus stop is to be moved however full details will need to be agreed. The applicant must note that they will have to meet the full cost of relocating the bus stop.

I have concerns regarding the direct access onto the lane from the rear entrance given the lack of visibility along the rear lane which could bring users of the pedestrian access into direct conflict with vehicles travelling along the lane. Consideration must be given to this matter so that users of the gates are aware of vehicles and also that vehicles utilising the lane are aware of pedestrians stepping out.

A condition will be required which states that a CEMP must be submitted and include such details as wheel wash facilities, dust suppression, contractor parking and compound.

5.2 HEAD OF REGENERATION AND REGULATORY SERVICES (CONSERVATION OFFICER):

Part of the site was occupied by a three-story neo-baroque public house which was identified as a landmark building within the adopted Conservation Area Appraisal. Unfortunately, this has subsequently been totally demolished following the service of Notices under the Building Act. However, this has not been regularised through the planning process and does not form a part of the application before us. As such, I can only comment on the principle of the proposed building in the event that a retrospective Conservation Area Consent application for the demolition work is submitted and granted. The remainder of the site was previously vacant following the loss of buildings long prior to the designation of the conservation area, and development to restore the built form of the street is therefore welcomed in principle.

The designer has chosen a mock-Georgian style for the proposed building. This seems strange, as whilst the area was under development from the mid-19th century the prevailing character is generally much later 19th century. Such development is likely to muddle the history of the area, which was generally undeveloped marshland before the growth of the docks. However, differences in style can perhaps be reduced to matters of detail; the scale of the proposed building seems appropriate. Nevertheless, a general absence of genuine historic proportion or detail severely compromises the scheme in my view.

Perhaps most unfortunate when viewed from a distance will be the large, unbroken expanses of artificial slate roof with uPVC fascias. Historic domestic roofscapes are generally broken by a number of chimneys, and such additions would greatly enhance this scheme. Oddly, the applicant has declined to consider this stating that they would look false; if detailed correctly they should not, and my view is the absence of such features actually makes the whole development look false. Regardless, traditional materials should be used throughout the scheme rather than inferior synthetic alternatives if a traditional appearance is to be achieved. This also applies also to render finishes; I am not sure exactly what finish is proposed, but traditional render finishes in this area are generally lined-out and coloured in imitation of fine ashlar stonework. Pastel blue and pink colours are not traditional (and neither were white window frames in the late 19th century).

Dormers have been introduced to the pale-blue section of the building. These seem alien to the character of the area, as when such features exist they are generally much more modest in size and concealed behind parapet walls. However, perhaps most improvement could be achieved by modest changes to proportions. As it stands, many windows are a little squat, and there is insufficient hierarchy between the different floors, particularly on the pink section of the building which has no conceivable entrance or meaningful frontage. The four-panel glazed door is a particular oddity, as are the various windows with glazing bars missing from their lower sashes in what might be assumed to be an inter-war style.

It is my opinion, however, that the above issues can be resolved with remarkably minor changes to the elevation that should not significantly affect the cost or buildability of the scheme. Most crucially, I suggest that the design of windows needs changing to a late 19th century design rather than the more Georgian proposals; the majority of building along Lower Dock Street use a design with larger central panes surrounded by narrow margin lights. The introduction of other typical features of the area such as moulded window surrounds could also be greatly beneficial.

I have no particular concerns regarding the elevations which do not face Emlyn Street or Lower Dock Street as these are on limited public view.

- 5.3 HEAD OF CITY SERVICES (ECOLOGY OFFICER): No Objection.
- 5.4 TEAM MANAGER REGENERATION: No response received
- 5.5 HEAD OF CITY SERVICES (DRAINAGE MANAGER): No response received
- 5.6 HEAD OF REGENERATION AND REGULATORY SERVICES (PLANNING CONTRIBUTION MANAGER): The S106 obligations below are based upon the assumption that all the dwellings are affordable. As such, Council policy stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations.

Affordable Housing

Should the developer decide to sell or rent the properties on the open market there would be a requirement for 30% affordable housing provision on-site. Alternatively, in exceptional circumstances, an off-site commuted sum could be agreed (in accord with the most up-to-date Affordable Housing SPG) for the provision of affordable housing for the City of Newport.

Education

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

- Number of secondary pupils generated by market dwellings (prior to commencement of development) in excess of available capacity at John Frost High School x £15,302 = Secondary Education Sum;
- Number of post 16 pupils generated by market dwellings (prior to commencement of development) in excess of available capacity at John Frost High School x £16,427 = Post 16 Education Sum;
- Number of primary pupils generated by market dwellings (prior to commencement of development) in excess of available capacity at St Woolos Primary School and Ysgol Gynradd Gymraeg Bro Teyrnion x £16,115 = Primary Education Sum.

Prior to commencement of the development, the Owner and/or developer will notify the Council in writing of the number and type of dwellings which are to be 'open market' dwellings.

All Education Sums will be index linked to the BCIS and paid in instalments (to be agreed)

Leisure

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

- Number of two bed 'open market' apartments (prior to commencement of development) x £3,816

Prior to commencement of the development, the Owner and/or developer will notify the Council in writing of the number and type of dwellings which are to be 'open market' dwellings

All Leisure Sums will be index linked to the RPI and paid in instalments (to be agreed)

- 5.8 HEAD OF REGENERATION AND REGULATORY SERVICES (HOUSING DEVELOPMENT MANAGER): Fully support for the scheme. The developer has worked in partnership with Pobl Group and Newport City Council's, Housing and Social Services departments to develop a scheme in an extremely sustainable location in the City centre. The scheme provides accommodation for single people in close proximity to facilities at the Leisure Centre, local shops, health facilities and the University. If future residents were to require any additional support this could be provided at this site. The flats will be built to the appropriate Welsh Government standards, be of neutral tenure and allocated through the Common Housing Register. Ensuring that the properties are 100% affordable will be conditioned through the s106 agreement.
- 5.9 HEAD OF CITY SERVICES (LANDSCAPE OFFICER): No Objection
- 5.10 HEAD OF CITY SERVICES (WASTE MANAGER): No issues with storage as bin store is big enough, however please note that our vehicles cannot access the rear lane (they are too big), so due to the location of the bin store the bins could be over the 10 metre maximum distance for our crews to collect. This means they might need to review their options for bin store siting to ensure it is within our max distance.
- 5.11 HEAD OF REGENERATION AND REGULATORY SERVICES (PUBLIC PROTECTION MANAGER): I have appraised the information provided in this application, including the Noise Assessment conducted by Inacoustic on the 9th and 10th October 2018. I confirm I have no objections to the proposals; however, the following conditions should be attached to any permission granted;

Road Traffic Noise - Internal

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

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

Road Traffic Noise - External

No development, other than demolition, shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the maximum day time noise level in outdoor living areas exposed to external road traffic noise shall not exceed 50 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.

Construction Environmental Management Plan

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

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

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

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

Waste Storage and Recycling

Prior to first beneficial use, a scheme for the provision of waste storage and recycling shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first beneficial use and thereafter maintained for the duration of the use.

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

Development/Construction Hours - Advisory

The developer should avoid carrying out noisy development; (including land raising and demolition if required) except between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays. Noisy development should be avoided altogether on Sundays or Bank Holidays.

Reason: To protect the amenities of nearby residents.

Contaminated Land

The submitted contaminated land report recommends a site investigation, soil sampling and risk assessment. I therefore recommend permission is granted with the following condition:

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.

Air Quality

The proposed development is within easy reach of the city centres and its transport network. There are no additional parking spaces proposed. There are no Air Quality Management Areas AQMAs in the near vicinity. Therefore, I have no objection to the application with regards to air quality.

5.12 HEAD OF REGENERATION AND REGULATORY SERVICES (PLANNING POLICY MANAGER):

The Proposal: The site is previously developed land within the defined settlement boundary and its redevelopment is therefore acceptable in principle and consistent with the LDP brownfield strategy. A derelict building and scrub land currently occupy the site, which is located on a prominent corner plot at the junction of Emlyn Street and Lower Dock Street. Its redevelopment for residential use is therefore welcomed and consistent with the policy objectives of Policy SP18 – Urban Regeneration.

SP 9 Heritage: The site is within the Lower Dock Street Conservation Area, the appraisal identifies a landmark building on the site, now demolished. The remainder of the area is identified as an opportunity site on a key frontage. The improvement of the area is therefore in principle acceptable as it is in line with the proposals to enhance and protect the conservation area as set out by the appraisal. The appraisal specifically notes that ‘the accurate reinstatement of architectural detailing and enhancement of the public realm should be afforded a high priority to propagate the sustainable regeneration of the wider Lower Dock Street Area’. The site is also directly adjacent to a listed building and has the potential to impact on the setting of this property. Comments as to the specific impact of the proposal on the Conservation Area and Listed Building will be provided by the Councils Conservation Officer who will provide a response on this matter. Nonetheless the proposal to bring an at-risk property into a sustainable use is strongly supported in principle.

SP18 Urban Regeneration: This policy is clear that proposals that assist in the regeneration of the urban area should be supported. In this case the proposal would aid in the provision of much needed housing to what is a derelict and underused site, which is welcomed.

Planning Obligations: This residential development triggers a number of planning obligations thresholds and the site is within the 30% affordable housing sub-market area of Rogerstone and Newport West. The Council’s Planning Obligations Manager should be consulted to establish the contributions generated as a result of the development.

T4 Parking: The proposal is located within parking zone 1 which is considered as City Core. That is where typically there will be a wide range of public transport services, bus and rail. There will be very little car parking within the curtilage of individual buildings and that which there is, is almost entirely operational parking. The area is likely to be the commercial focus of a large hinterland. All on-street parking is regulated; all public off-street car parking is charged for. A detailed response will be provided by the Council's highway officer.

Planning Policy Wales has recently been updated (December 2018) to reflect the Well-Being and Future Generations Act. This policy is clear that planning authorities must seek to reduce the level and speed of traffic in new development. In terms of parking provision, it is noted that this should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The central urban location of the site provides a range of accessible forms of transport which should be utilised to meet this overarching policy requirement to reduce levels of traffic within new development.

In addition to this there is a requirement on Local Authorities to establish acceptable levels of parking for various development types. Newport has adopted Parking Standards SPG (August 2015) which sets out such standards. What is clear from PPW is that such local parking standards should be applied flexibly.

Air Quality: On a related point to traffic generation is the potential impact on Air Quality from a major development the Air Quality SPG adopted in 2018 requires all major applications to consider their impact on Air Quality as required by policy GP7. More information on this can be found within the Councils adopted Air Quality Supplementary Planning Guidance (February 2018). The SPG notes that well designed and implemented traffic management measures that discourage polluting vehicle usage can help to secure planning objectives in a number of ways, including air pollution & active travel. In addition to the local policy Planning Policy Wales is clear that where car parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have ULEV charging points. A response on the impact to the AQMA will be provided by the Councils Scientific Officer.

GP5 Natural Environment: The site has potential for ecology value and it is noted that information regarding this has not been provided. A response on this aspect of the proposal will be provided by the Council's ecologist.

CONCLUSION: In this case the Planning Policy Team would support the regeneration of this currently derelict site to provide social housing on the basis that the applicant satisfies any concerns raised by other consultees.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties within a 50m radius of the application site were consulted (80 properties): No representations received.

6.2 COUNCILLORS (Notified 3 January 2018): No representations received.

6.3 PRESS NOTICE (Published 26 January 2019): No representations received.

6.4 SITE NOTICE (Displayed 16 January 2019): No representations received.

7. ASSESSMENT

Principle of Development

- 7.1 The site is previously developed land within the defined settlement boundary and its redevelopment is therefore acceptable in principle and consistent with the Newport Local Development Plan (NLDP) brownfield strategy.
- 7.2 A derelict building and scrub land currently occupy the site, which is located on a prominent corner plot at the junction of Emlyn Street and Lower Dock Street. Its redevelopment for residential use is therefore welcomed and consistent with the policy objectives of Policy SP18.

Character of the areas and Impact on Heritage Assessments

- 7.3 The site is within the Lower Dock Street Conservation Area. The Conservation Area Appraisal report (c.1999), identifies a landmark building on the site (now demolished). The remainder of the area is identified as an opportunity site on a key frontage. The site is located within the Drill Hall Quarter reflecting the importance of the neighbouring drill hall which is a listed building on Lower Dock Street to the south of the site (now fire damaged). The proposed site is noted within the appraisal for its poor environmental quality and is stated as being a dismal gateway feature. The situation has not improved since the appraisal was undertaken and the improvement of the site is welcomed in principle. The appraisal specifically notes that 'the accurate reinstatement of architectural detailing and enhancement of the public realm should be afforded a high priority to propagate the sustainable regeneration of the wider Lower Dock Street Area'.
- 7.4 The site is constrained by its neighbouring properties and its relationship with these properties and the surrounding streetscape is key. As a gateway site it has the potential to make a positive statement on both Lower Dock Street and Emlyn Street.
- 7.5 The site sits directly adjacent to two important properties; No.58 the listed drill hall and No.57a the current taxi office. The proposal has made a considered response to these buildings.
- 7.6 The building height steps up the properties from the two storey properties on Emlyn Street with a two storey with attic rooms to a three storey building to a focussed corner unit which is considered appropriate. To the rear, the ridge and eaves heights have been reduced where the building runs parallel to the rear of No.41 Emlyn Street and a two storey with attic rooms facing the taxi office.
- 7.7 The layout and massing is considered appropriate, responding to the site and surrounding built form, whilst creating a good relationship internally between public and private spaces with the use of an internal courtyard and mews.
- 7.8 The Conservation Officer has welcomed, in principle, the proposal of restoring the built form of the street. There are however several concerns on the detailing of the facades facing Emlyn Street and Lower Dock Street. These include the adoption of a mock-Georgian style façade, the absence of chimneys, the inclusion of dormers, the use of synthetic materials and window designs.
- 7.9 Whilst these concerns are acknowledged, it is considered that the proposed scheme offers several regeneration benefits which are deemed to be significant material considerations in the determination of this application. In this regard, the site currently has remnants of the previous building and surrounded by temporary fencing. It has a

dishevelled appearance and it deemed to be harmful to the overall character and appearance of the Conservation Area.

- 7.10 This proposal seeks to complete the façade of the street with a building which is of an appropriate scale and form. Furthermore, it is considered that the scheme makes efficient use of previously developed land within the City centre. The density is approximately 45 dwellings per hectare, which is consistent with the guidance contained in Policy H3 and reflective of the density of the surrounding area urban area. The proposal encourages sustainable living, offering much needed affordable housing in close proximity to the city centre.
- 7.11 Since the response of the Conservation Officer, the window openings have been amended to reflect a more compatible design. The joinery associated with these windows can be controlled by the imposition of a planning condition.
- 7.12 The applicant has also included chimneys into the development. Whilst these would be false structures, their addition to the development enhances the overall appearance of the building and references a key character feature within this particular Conservation Area, details of which can also be controlled by the imposition of a planning condition.
- 7.13 The setting back of the rear wing of the residential development and the simple nature of the block in a traditional style is welcomed. The creation of a courtyard to provide amenity space and a gap between the property is considered an appropriate styling in keeping with the area's character.
- 7.14 With regards to external finishes, the specific materials can be agreed by a planning condition. It is however considered that a building with rendered walls and a slate roof are, in principle, compatible finishes in this street scene, considering its prominent location in the Conservation Area and being adjacent to a listed building. A further condition is imposed to control the design and appearance of the boundary treatment between the main pedestrian entrance to the block of flats and 57a Dock Road, in the interests of preserving the character and appearance of the Conservation Area and the setting of the listed building.
- 7.15 Whilst the dormers would be a new feature added to the streetscene, they are rather small additions which have an inoffensive design and appearance and reinforce the strong sense of symmetry within the development. It is concluded that the development as a whole, taking into account the amendments made and recommended conditions, balanced with the wider regeneration benefits of the scheme, would not have a detrimental impact on the setting of the listed building or the character and appearance Conservation Area.

Future Residential Amenity

- 7.16 Any new residential development must have an appropriate standard of residential amenity for its future occupiers. With regards to the amenities of the future occupiers of the flats, regard is given to the New Dwellings SPG. The SPG specifies the gross internal floor space for flats and the key table is shown below:

	Flat type		
Beds/bedrooms	<i>Studio</i>	<i>Converted</i>	<i>New</i>
1	35	45	50
2	n/a	60	65
3	n/a	70	80
4	n/a	85	100

- 7.17 The proposal is for 17no. 1-bed flats and while the majority of apartments exceed these floor space standards, four apartments, no's 9 and 10 at first floor and no. 15 and 16 at second floor fall marginally below the standards (47 sqm). These flats are well proportioned and their regular shaped rooms would ensure that they provide sufficient opportunities for use of the whole space and the shortfall in these room sizes is not considered to be of such an extent as to warrant refusal of the application.
- 7.18 The SPG also provides guidance for desired external amenity space, for new blocks of flats. Based on the number of flats and that they would be capable of occupying 2 persons, 14sq.m. per occupant of amenity space is required (476 sqm). However, the SPG goes on to note, physical and financial constraints sometimes prevent a development from providing on-site communal amenity space.
- 7.19 Two areas of communal external amenity space are provided as an internal landscaped courtyard behind 57A Dock Road (75 sqm) and a paved communal drying space adjacent to 5 Cross Lane (45 sqm). While this falls below standard of the SPG, given the city centre location of the building, which has good access to a variety of public open spaces, it is considered that residents would be able to make use of these spaces, and it is considered acceptable in this particular instance to relax the requirements for outdoor amenity space.
- 7.20 It is acknowledged that the outlook from the flats facing the inner courtyard (ground floor flats 4 and 5) would be towards a relatively narrow courtyard and the rear of 57a Dock Road. When assessed against the New Dwellings SPG's test for natural light (a line drawn from the horizontal centre of a protected window, at a point two metres above ground level, a notional perpendicular line is drawn at an angle of 25° to the horizontal) only one window fails this by 2° (Flat 5, bedroom). A landscaping plan, showing low level planting and landscaping along with photomontages indicates the courtyard façade as providing a pleasant outlook from these windows. Given the regeneration benefits of the scheme and the city centre location of the development, it is considered that the amenity of future occupiers would not be unreasonably harmful to warrant refusal of the application.

Impact on neighbouring amenity

- 7.21 In respect of the closest residential property, 41 Emlyn Street is situated immediately to the east of the site, and is currently bound by a 3.5-4 metre solid brick wall (the remains of the previously demolished building). The proposed rear wing of the building will run parallel to the rear of the property and be set back 1.2-5 metres from the site boundary. It would be three storeys in elevation (8.6 metres) with a flat roof to reduce the massing of the building. 41 Emlyn Street has previously been extended to the rear

of the property with both two and single storey extensions, and a detached shed to the rear and only narrow passageway and small proportion of rear garden / external amenity space remains (approximately 3.5 metres x 5.5 metres).

- 7.22 **Sunlight & Daylight:** The New dwellings SPG (Aug-2015) sets out tests for loss of light, this relates to neighbours' habitable rooms. In most cases, a proposal that two 45° tests in relation to a single protected window is unlikely to be acceptable. While exact window positions in the rear extension of 41 Emlyn Street are not known, the position of the rear extensions of no. 41 in relation to the existing 3.5-4 metre boundary wall means ground floor windows already fail both tests, resulting in existing overshadowing to the ground floor windows of no.41. In relation to the first floor windows in the rear extension of no. 41 the proposal would fail the 45° horizontal test but would pass the vertical test.
- 7.23 **Overlooking / privacy:** In order to preserve residents' privacy in their homes, suitable separation distances must exist between new high-level protected windows and the protected windows in neighbouring houses. In the proposed rear east elevation (elevation 2), two first floor and two second floor windows are proposed facing directly towards the rear building and garden of 41 Emlyn Street, with an additional 4 windows facing towards the roof of 5 Cross Lane and at an angle towards the garden of no.41. The majority of windows serve hallways and communal halls and the applicant has confirmed all these windows will be fixed shut and obscure glazed and a condition is recommended to ensure there is no overlooking of the neighbouring property or amenity space.
- 7.24 **Overbearing:** The Council's SPG sets out assessment for the loss of perceived space and visual amenity, it notes development that reduces the distance between a neighbouring protected window and a proposed blank two-storey elevation to less than 14 metres is unlikely to be acceptable. While the proposal is set back 1.2-5 metres from the boundary, it is acknowledged that at 8.6 metres high this will have a greater overbearing impact on rear of 41 Emlyn Street over that of the existing 3.5-4 metre wall. It is noted the previous (demolished) building on the applicant site was a three story building with rear projection that closely followed the boundary with no.41.
- 7.25 The proposed improvements to the appearance of the application site and in particular the boundary wall with no.41 which will be repaired and finished in white render is considered an overall improvement upon the neighbours amenity which would on balance outweigh the additional harm to their amenity from overbearing impact of the new building.

Parking and Highway considerations

- 7.26 The site is located within Zone 1 parking area, this zone is considered as City Core, typically there will be a wide range of public transport services, bus and rail centre and as such future occupants of the apartments will not necessarily be reliant on private car ownership. The Highway Officer has raised no objection to the proposal and confirmed parking is not required.
- 7.27 The proposal includes the relocation of the bus stop with the Highway Officer has confirmed is acceptable in principal and a condition requiring full details of the relocation of the bus stop is recommended.
- 7.28 The Highway Officer has raised concerns regarding with the access onto Cross Lane. These are access from the courtyards and bin store and it is noted the buildings principle entrance is from the footpath at Emlyn Street, with internal links from the building and residents access from the courtyard to bin store the access directly onto

Cross Street are secondary access and condition is recommended to ensure all gates open into the site. Cross Lane is an adopted highway and serves several other residential properties and business and an informative is recommended to ensure residents are aware of vehicles using Cross Lane.

Waste

- 7.29 A bin/recycling store would be provided and access available onto Cross Street. The Waste Manager has confirmed the size is sufficient, however has raised concerns regarding the location of the access from Lower Dock Street (over the maximum carry distance). Relocation of the bin store entrance to the main Emlyn Street elevation would provide an area of inactive frontage to this important elevation and would be considered to have a harmful impact on the character of the Conservation Area. Cross Lane is an adopted highway and serves several other residential properties and business. The building is to be managed by a Registered Social Landlord, the applicant has confirmed that refuse/recycling material is made available for collection through either an employee bringing the bins to within the 10m of the adopted highway or make arrangements for a private contractor and a condition for a formal waste management plan has been recommended, which would address the comments of the Waste Manager and the Highways Authority.

Contamination

- 7.30 In response to the proposals the Public Protection Manager have advised that there is potential for contamination to be present on site. Given this and the fact that the development is residential with soft landscaped areas it is requested that a condition relating to contamination be imposed.

Noise

- 7.31 A noise assessment has been undertaken and the Public Protection Manager has requested that conditions be imposed concerning habitable rooms within the property and external amenity spaces in order to ensure that they are adequately insulated from road traffic noise levels.

Drainage

- 7.32 The applicant proposes to discharge foul drainage to the public sewerage system. Welsh Water has confirmed that no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.
- 7.33 With regard to discharge surface water a Desk Study Report indicates that infiltration will not be feasible, however the applicant has not demonstrated that other sustainable disposal methods could be achieved and Welsh Water have requested that a condition and an informative note are included within the consent to ensure no detriment to existing residents or the environment or Welsh Water's assets.

Biodiversity and Ecology

- 7.34 The site lies within an urban area and the Council's Ecologist has not raised any objection or required any survey work for the site.

Archaeology

- 7.35 The site is outside but immediately adjacent to an Archaeologically Sensitive Area. Glamorgan Gwent Archaeological Trust have reviewed of the historic ordnance survey maps, which shows that the ground has been extensively disturbed (previous development) and it is considered unlikely that significant buried archaeological remains will be encountered during the groundworks associated with the proposed development.

Air Quality

- 7.36 The proposed development is within easy reach of the city centres and its transport network. There are no additional parking spaces proposed. There are no Air Quality Management Areas AQMAs in the near vicinity. The Public Protection Manager has not raised any objection with regards to air quality.

Section 106 Planning Obligation matters

- 7.37 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.
- 7.38 In this case the proposal is for 100% affordable housing and the Planning Contributions Manager has confirmed that contributions towards affordable housing, education and leisure would not be required.
- 7.39 A section 106 planning obligation is required to secure the affordable housing, education and leisure contributions to be provided should any be sold as private market units.

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 scheme offers several regeneration benefits which are deemed to be significant material considerations in the determination of this application. The benefits include the redevelopment of a prominent, derelict and vacant site and the completion of the façade of the street, encouraging sustainable living and the provision of much-needed affordable housing in close proximity to the city centre.

9.2 It is concluded that the development as a whole, taking into account the amendments made to various design matters and details required in the recommendation conditions, balanced with the wider regeneration benefits of the scheme, would not have a detrimental impact on the setting of the listed building or the character and appearance Conservation Area and outweighs the impact of the three-storey rear projection upon the amenity of 41 Emlyn Street.

9.3 The Highway Officer has raised no objection to the proposal. The property is located within Zone 1 City Centre and parking is not required.

9.4 It is therefore recommended that the application is granted subject to the following conditions and subject to Section 106 Legal Agreement.

10. RECOMMENDATION

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

Approved Plans

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

LT1813.04.01-C
LT1813.04.02-B
LT1813.04.03-C
LT1813.04.04-B
LT1813.04.05-D
LT1813.04.06-B
LT1813.04.07-B
310-101

Desk Study Report Prepared for: Terra Firma (November 2018)
Noise Assessment, Prepared for: Inaccoustic (October 2018)

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

Materials – Submission

02 Notwithstanding the details submitted, no work shall be commenced on the construction of the approved scheme until details or samples of materials and finishes to be used on the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To ensure that the development is completed in a manner compatible with its surroundings and to preserve the character and appearance of the Conservation Area and the setting of the listed building. In accordance with Policies SP9, SP18, GP2, GP6 and CE7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

Boundary Treatments

03 Notwithstanding the details submitted, no development shall commence until full details of the boundary treatment to be installed along the curved frontage (between the main pedestrian entrance of the new building and 57a Dock Road), as shown on drawing LTS71.04.01 Rev. B, have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be installed in accordance with the approved details and retained thereafter in perpetuity.

Reason: To ensure that the development is completed in a manner compatible with its surroundings and to preserve the character and appearance of the Conservation Area and the setting of the listed building. In accordance with Policies SP9, SP18, GP2, GP6 and CE7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

Obscure Glazing – Building

04 Prior to the first use of the building hereby approved, the first and second floor window in the east elevation (facing 41 Emlyn street) shall be fitted with fixed pane obscure glazing to a minimum of level 5 on the Pilkington index of obscurity and shall be non-opening and shall be retained in that state thereafter.

Reason: To protect the privacy of adjoining occupiers. In accordance with Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

Joinery Details

05 Notwithstanding the details submitted, no development shall commence until drawings at a scale of 1:20 providing details of all external joinery, including design of windows, dormers and the door surrounds have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained thereafter in perpetuity.

Reason: In the interest of safeguarding the character and appearance of the Conservation Area and the special character of the adjacent Listed Building. In accordance with Policies SP9, SP18, GP2, GP6 and CE7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

Chimney Details

06 Notwithstanding the details submitted, prior to the commencement of development, 1:20 scale details of the chimney stacks shall be submitted to and approved in writing

by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interest of safeguarding the character and appearance of the Conservation Area and the special character of the adjacent Listed Building. In accordance with Policies SP9, SP18, GP2, GP6 and CE7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

Landscaping – Implementation

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

Reason: To secure the satisfactory implementation of the proposal. In accordance with Policies SP18, GP2 and GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

Refuse Store

08 Prior to first beneficial use, a management scheme for waste storage and recycling shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be undertaken in accordance with the approved details for the duration of the use.

Reason: To ensure that the long term management of refuse. In accordance with Policies GP6 and W3 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

Gates to Cross Lane

09 All access gates on Cross Lane hereby approved shall be inward opening only. The gates shall be retained in this state thereafter in perpetuity.

Reason: In the interests of highway safety. In accordance with Policies GP4 and GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

Bus Stop Relocation

10 Prior to the commencement of development (other than demolition), full details of the bus stop relocation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the details approved and retained thereafter.

Reason: To ensure that the development is carried out in a proper and coordinated manner. In accordance with Policies GP4 and GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

Drainage Scheme

11 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the

occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment. In accordance with Policies SP9 and GP3 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

Road Traffic Noise - Internal

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

Reason: To ensure that the amenities of future occupiers are protected. In accordance with Policies GP2, GP6 and GP7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

Road Traffic Noise - External

13 No development, other than demolition, shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the maximum day time noise level in outdoor living areas exposed to external road traffic noise shall not exceed 50 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. In accordance with Policies GP2, GP6 and GP7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

Dust Suppression and Wheelwash

14 No development, to include demolition, shall commence until dust suppression and wheelwash measures have been installed and implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. These details shall include full details of equipment and a method statement of its operation during demolition and construction works. The measures shall operate in accordance with the approved details until cessation of demolition and construction works at the site.

Reason: To prevent the transmission of dust and mud from the site in the interest of residential amenities and highway safety. In accordance with Policies GP2 and GP7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

Construction Environmental Management Plan

15 Prior to the commencement of development, to include demolition, a Construction Environmental Management Plan shall be submitted to and approved in writing by the

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

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

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

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected. In accordance with Policies GP2 and GP7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

Contaminated Land

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

- a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.
- b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to (BS10175/2011), containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.
- c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:

- d) Following remediation a Completion/Verification Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.
- e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed. In accordance with Policies GP2 and GP7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, SP13, SP18, GP1, GP2, GP5, GP6, GP3, GP4, GP7, CE7, H2, H3, H4, W3 and T4 were relevant to the determination of this application.

02 The following Council's Supplementary Planning Guidance (Adopted) were relevant to the determination of this application:

- Lower Dock Street Conservation Area Appraisal
- Planning Obligations, August 2015
- Wildlife and Development, August 2015
- Parking Standards, August 2015
- Air Quality, February 2018

03 It should be noted that this consent is dependent on the applicant entering into a Planning Obligation under Section 106 of the Town and Country Planning Act 1990.

04 The applicant is advised to ensure all residents and users of the access onto Cross Lane are made aware of vehicles using Cross Lane.

05 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.

06 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.

07 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

08 The developer should avoid carrying out noisy development; (including land raising and demolition if required) except between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays. Noisy development should be avoided altogether on Sundays or Bank Holidays.

09 With regards to Condition 09 (Bus Stop), the applicant/developer is advised to contact the Council's Integrated Transport Unit on 01633 656656.

This page is intentionally left blank



Report

Planning Committee

Part 1

Date: Wednesday 6th March 2019

Item No: Insert item number here

Subject **Appeal Decisions**

Purpose To inform Members of the outcome of recent appeals

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

Wards Malpas, Victoria, Langstone, Shaftesbury.

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: 6th March 2019

Reference	18/0498
Address	1 Bryn Bevan, Newport NP20 5QH
Development	Retention of one bedroom dwelling
Appellant	B Strachan
Officer Recommendation	Refused
Committee Decision	N/A
Appeal Decision	Dismissed
Costs Decision	N/A

Planning Application Appeal

Reference	18/0790
Address	Woodlands, Magor Road, Langstone
Development	Demolition of outbuilding and erection of a two storey detached dwelling and associated works
Appellant	N Bowman
Officer Recommendation	Refused
Committee Decision	Refused
Appeal Decision	Dismissed
Costs Decision	N/A

Planning Application Appeal

Reference	18/0325
Address	2 Magnolia Close, Newport NP20 6JS
Development	Erection of two bed detached dwelling and associated parking (resubmission)
Appellant	A Smith
Officer Recommendation	Refused
Committee Decision	N/A
Appeal Decision	Dismissed
Costs Decision	N/A

Planning Application Appeal

Reference	18/0458
Address	56 Corporation Road, Newport NP19 0AW
Development	RETENTION OF 3NO. SELF CONTAINED FLATS WITH REAR FIRE ESCAPES AND ASSOCIATED EXTERNAL ALTERATIONS (RESUBMISSION)
Appellant	I Ramzan
Officer Recommendation	Refused
Committee Decision	N/A
Appeal Decision	Dismissed
Costs Decision	N/A

This page is intentionally left blank