

# Agenda



## Planning Committee

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Date: Wednesday, 3 July 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

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### **Part 1**

<b>Item</b>	<b>Wards Affected</b>
1. <u>Apologies for Absence</u>	
2. <u>Declarations of Interest</u>	
3. <u>Minutes of the previous meeting (Pages 3 - 6)</u>	
4. <u>Development Management: Planning Application Schedule (Pages 7 - 118)</u>	

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Date of Issue: Wednesday, 26 June 2019

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# Minutes

## Planning Committee

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Date: 5 June 2019

Time: 10.00 am

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

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) and Lisa Davies (Governance Officer)

Apologies: Councillors J Clarke, J Jordan and T Holyoake

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### 1. **Declarations of Interest**

None

### 2. **Minutes of the meeting held on 01 May 2019**

The minutes of the meeting held on 01 May 2019 were submitted

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

#### **Resolved**

- (1) That decisions be recorded as shown on the Planning Applications Schedule attached as an Appendix A
- (2) That the Development Services Manager be authorised to draft any amendments to/additional conditions or reasons for refusal in respect of the Planning Applications Schedule, attached.

### 4. **Appeal Decisions**

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

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**Appendix A**

**PLANNING COMMITTEE – 05/06/2019**

**DECISION SCHEDULE**

<b>No</b>	<b>Site/Proposal</b>	<b>Ward</b>	<b>Additional Comments</b>	<b>Decision</b>
<b>18/1231</b>	Land south of 24 to 32 Treberth Crescent	Ringland		Granted with conditions and subject to section 106, with additional requirement for replacement tree.
<b>18/0756</b>	Castle Farm Bishton	Llanwern		Application withdrawn from this Agenda
<b>18/1240</b>	14-18 Clarence Place	Victoria		Granted with conditions with delegated authority to head of regeneration investment and housing to issue a decision after 18th June if no objections received from CADW
<b>18/1248</b>	Kirby Daniel Court, Charlotte Green, Newport	Pillgwengly		Granted with conditions and subject to section 106
<b>19/0299</b>	University of Wales, Caerleon	Caerleon		Granted with Conditions
<b>19/0333</b>	Gaer Community Centre, Gaer Road, Newport	Gaer		Granted with Conditions
<b>19/0398</b>	Maesglas Junior and Infant School, Maesglas Road, Newport	Gaer		Granted with Conditions
<b>19/0427</b>	IP5, Celtic Way, Celtic Lakes, Newport	Marshfield		Granted with Conditions

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# Report

## Planning Committee

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### Part 1

Date: 5 July 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

## **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.

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

<b>Risk</b>	<b>Impact of risk if it occurs* (H/M/L)</b>	<b>Probability of risk occurring (H/M/L)</b>	<b>What is the Council doing or what has it done to avoid the risk or reduce its effect?</b>	<b>Who is responsible for dealing with the risk?</b>
awarded against the Council				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

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:** 19/0040      **Ward:** CAERLEON

**Type:** FULL (MAJOR)

**Expiry Date:** 24-MAR-2019

**Applicant:** JAMES NORVILL

**Site:** FORMER PENRHOS QUARRY, USK ROAD, CAERLEON, NEWPORT

**Proposal:** CHANGE OF USE OF PART OF DISUSED QUARRY TO HOLIDAY PARK, INCLUDING THE SITING OF HOLIDAY LODGES AND PODS WITH IMPROVED ACCESS, PARKING FACILITIES AND MAINTENANCE BUILDING

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

**1. INTRODUCTION**

- 1.1 The proposal is to develop tourist accommodation on the site of the Penrhos Quarry on the eastern fringes of Caerleon. The development will consist of:
- Four timber lodges
  - Twenty-four pods (2 person accommodation)
  - A storage building for maintenance equipment
  - A reception building and car parking for 30 vehicles
  - Footpaths, drainage infrastructure and lighting
  - Works to the access road within the site to provide further hard surfacing and passing bays
  - Works to widen Penrhos lane between the entrance to the quarry and the Usk Road
  - Works to improve the junction between Penrhos lane and the Usk Road.
- 1.2 The part of the site to be developed is a dormant quarry meaning that works to extract minerals could recommence subject to the Council agreeing a modern conditional regime to control operations. As it stands no clay extraction has taken place since the early 1970s.
- 1.3 Parts of the application site are:
- A Site of Importance for Nature Conservation (SINC) – the Afon Llwyd Grasslands
  - A Site of Importance for Nature Conservation (SINC) – Coed y Gatlas (Ancient woodland)
  - Woodland TPOs (78/Mon & 04/2005), which includes Coed y Gatlas and areas of self-seeded trees within the quarry.
  - Undefended floodplain (Zone C2) – the lower parts of Penrhos Lane.
- 1.4 Most of the proposed development is outside the SINCs other than a drainage run to the river and works to widen the lower part of Penrhos lane. Much of the development is within the area of TPO 04/2005 but careful siting will minimise harm to the woodland with there being some loss of smaller ‘scrubby’ trees.

**2. RELEVANT SITE HISTORY**

Ref. No.	Description	Decision & Date
15/1401	RETENTION OF REPLACEMENT GATE AND FENCE AND NEW CONCRETE ACCESS TRACK	R 10 March 2016
16/0881	RETENTION OF REPLACEMENT GATE AND FENCE AND RETENTION OF RESURFACING OF ACCESS TRACK AND PROPOSED ASSOCIATED DRAINAGE SCHEME	R 15 December 2016

		Appeal Dismissed 29 January 2018
E98/0633	STOCK CAR RACING	Not Expedient 10 June 2009
E05/0401	MOTOR BIKE RACING	Notice Issued 23 June 2006  Appeal Dismissed 08 January 2007
E05/0595	TREE FELLING	No breach found 05 August 2005
E10/0794	USE OF LAND FOR MOTORSPORT	No Breach Found  29 November 2010
E15/0400	CREATION OF TRACK AND IMPORTATION OF MATERIAL	Notice Issued  Appeal Dismissed 29 January 2018

### 3. POLICY CONTEXT

#### 3.1 Adopted Local Development Plan – 2011-2026

The following policies are considered to be of particular relevance to the consideration of this application:

- SP1 – Sustainability
- SP3 - Flood risk
- SP5 – Countryside
- SP9 – Conservation of the Natural, Historic and Built Environment
- SP19 – Assessment of Retail Need
- SP21 – Minerals
- GP1 – Climate Change
- GP2 – General Amenity
- GP3 – Service Infrastructure
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- GP7 – Environmental Protection and Public Health
- CE8 – Locally Designated Nature Conservation and Geological Sites
- T4 – Parking
- R8 – Small Scale Retail Proposals
- CF8 – Tourism
- M1 – Safeguarding of Mineral Resource
- W3 – Provision for Waste Management Facilities in Development

#### 3.2 Supplementary Planning Guidance

- Parking Standards
- Mineral Safeguarding
- Air Quality
- Wildlife and Development
- Trees, Woodland, Hedgerows & Development Sites

#### 3.3 Planning Policy Wales; Edition 10 (PPW10)

Development in the Countryside:

3.56 Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation.

Page 75 - capitalising on our distinctive tourism offer to promote Wales to the world, creating high quality jobs in this sector which enhance skills and provide employment year-round;

Productive & Enterprising Places:

The planning system encourages tourism where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities. The planning system can also assist in enhancing the sense of place of an area which has intrinsic value and interest for tourism. In addition to supporting the continued success of existing tourist areas, appropriate tourism-related development in new destinations is encouraged. In some places however there may be a need to limit new development to avoid damage to the environment or the amenity of residents and visitors.

5.5.3 In rural areas, tourism-related development is an essential element in providing for a healthy and diverse economy. Here development should be sympathetic in nature and scale to the local environment.

5.5.7 Planning authorities should adopt positive approaches to proposals which utilise previously developed or disused land and water bodies for tourism uses, particularly in relation to urban regeneration.

5.14.2 The role of the planning authority in relation to mineral extraction is to balance the fundamental requirement to ensure the adequate supply of minerals with the protection of amenity and the environment. The key principles are to:

provide positively for the safeguarding and working of mineral resources to meet society's needs now and in the future, encouraging the efficient and appropriate use of high quality materials;

6.3.3 All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.

The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement.

Development Proposing Non-mains Foul Drainage:

6.6.21 Any development discharging domestic sewage should connect to the foul sewer where it is reasonable to do so. Development proposing the use of non-mains drainage schemes will only be considered acceptable where connection to the main sewer is not feasible<sup>141</sup>. The installation of private sewage treatment facilities within publicly sewered areas is not considered acceptable because of the greater risk of failures leading to pollution when compared to public sewers. Where non-mains sewage proposals, such as septic tanks and or independent sewage treatment systems, are included in development applications they should be subject to an assessment of their effects on the environment, amenity and public health in the locality, in accordance with the criteria set out in Circular 10/99, prior to the determination of the planning application.

6.4.26 Ancient woodland and semi-natural woodlands and individual ancient, veteran and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss.

6.7 Air Quality and Soundscape:

6.7.1 Clean air and an appropriate soundscape, contribute to a positive experience of place as well as being necessary for public health, amenity and well-being. They are indicators of local environmental quality and integral qualities of place which should be protected through preventative or proactive action through the planning system. Conversely, air, noise and light pollution can have negative effects on people, biodiversity and the resilience of ecosystems and should be reduced as far as possible.

6.7.2 National air quality objectives are not 'safe' levels of air pollution. Rather they represent a pragmatic threshold above which government considers the health risks associated with air pollution are unacceptable. Air just barely compliant with these objectives is not 'clean' and still carries long-term population health risks.

### 3.4 Technical Advice Notes

Further detailed guidance is contained within Technical Advice Notes (TANs). A number of TANs are relevant to the consideration of this scheme:

- 3.4.1 Tan 4: Retail & Commercial Development – this sets out advice on how to assess the need for a retail development and undertake a sequential assessment.
- 3.4.2 Tan 5: Nature Conservation & Planning – provides guidance on how the planning system should contribute to protecting and enhancing biodiversity and geological conservation.
- 3.4.3 Tan 6: Planning for Sustainable Rural Communities
- 3.4.5 Tan 13: Tourism - 12. In preparing development plans, local planning authorities should investigate the adequacy of facilities for both the static and touring caravanner and reconcile these needs with the protection of the environment. Holiday and touring caravan parks are an important part of the self-catering holiday accommodation, while using less land for the purpose. Holiday caravan sites can be intrusive in the landscape, particularly on the coast. Special consideration needs to be given to proposals for new sites, especially in National Parks, Areas of Outstanding Natural Beauty, Heritage Coast and sites of national and international importance designated for their natural features.
- 3.4.6 Tan 15: Development & Flood Risk - 6.2 New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified 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<sup>1</sup>; 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 7 and appendix 1 found to be acceptable.

Paragraph 11.22 Caravan, camping and other temporary occupancy sites give rise to special problems in relation to flooding. They have often been located on coastal or riverside sites which are susceptible to flooding. The instability of caravans places their occupants, and others, at special risk and it may be difficult to operate an effective flood warning system. Such development should be refused in zone C2, as should proposed changes of use to residential mobile homes or permanent housing and only be considered in zone C1 following application of the tests in section 6, 7 and appendix 1.

- 3.4.7 Tan 23: Economic Development - Paragraph 1.2.7 identifies sites by preference with in settlement locations being preferred to edge of settlement locations which are preferable to rural locations. However non-settlement locations should not be discounted if significant benefits will accrue if the development proceeds.

Section 2 requires the following tests to be applied to assess economic benefit if harm to other interests is anticipated:

Alternatives: are other more preferable sites realistically available, could other providers meet the anticipated market for the development.

Jobs Accommodated: what will the development's contribution to the wider economy be?

Special Merit: will the development make a special contribution to Policy objectives such as the low carbon economy, innovative businesses, technology clusters or social enterprises.

Section 3 notes that economic development can strengthen rural communities by reducing the need to commute to work or by allowing established businesses in rural areas to expand in situ or by allowing new businesses to locate close to an existing business cluster.

#### 4. CONSULTATIONS

- 4.1 GLAMORGAN & GWENT ARCHAEOLOGICAL TRUST (GGAT): it is 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.

We envisage that this programme of work would take the form of an archaeological 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.

To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014:

*No development shall take place until the applicant, or their agents or successors in title, has secured 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.*

- 4.2 CYFOETH NATURIOL CYMRU / NATURAL RESOURCES WALES (CNC/NRW)

CNC/NRW has significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirement and you attach the conditions listed below. Otherwise, we would object to this planning application.

**Requirement:** Modification to the plans to clearly identify an undisturbed and vegetated 7 metre buffer zone between all watercourses and the development.

**Condition 1:** Submission of a Construction Environmental Management Plan prior to commencement of development – to address concerns in relation to otters. There is a lack of detail in the application regarding the proposal to bury an outfall pipe which leads to the water course (as illustrated on the Site Plan and the Development Masterplan). This will likely need small-scale vegetation clearance within the requested 7 metre buffer, as detailed above.

We note from the otter survey report that dense vegetation prevented access to some stretches of the river corridor, and therefore no certainty that the development site does not contain otter holts or lying-up sites. To prevent potential impacts on otters, we advise that this work be undertaken by hand tools and under close ecological supervision. The works should be immediately preceded by a survey of the surrounding habitat for any signs of otter holts or resting places. If EPS are found on site, works must stop until NRW have been consulted for further information.

**Condition 2:** Unforeseen contamination to prevent pollution of controlled waters.

There is no indication that the quarry has been infilled with contaminated material. As such, based on the information submitted, we would request the following condition be attached to any grant of consent at planning application stage.

#### Condition 2

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: Given the history of the site it is considered possible that there may be unidentified areas

of contamination at the site that could pose a risk to controlled waters if they are not remediated.

#### Flood risk

The planning application proposes highly vulnerable development (residential). Our Flood Risk Map, which is updated on a quarterly basis, confirms the site to be partially within Zone C2 (undefended floodplain) of the Development Advice Map (DAM) contained in TAN15 and the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15).

Notwithstanding this policy position, we have reviewed the FCA submitted in support of the application to provide you with technical advice on the acceptability of flooding consequences in accordance with Appendix 1 of TAN15.

We are satisfied that the risks and consequences of flooding are manageable to an acceptable level. The proposed holiday lodges and pods are outside of the predicted flood outlines. Therefore, we have no objection to the application on flood risk grounds and provide you with technical advice on the consequences of flooding to the site access.

The FCA states that the onset of flooding to the access route occurs during a 1 in 10 year event (10% AEP), but no predicted depths for this event are given.

However, during the more extreme events flood depths and velocities significantly exceed the guidance criteria (0.6m and 0.3m/s for a 0.1% event) in Section A1.15 of TAN15 (1.5m and 2.03m/s as shown in the table above).

As noted in the FCA, the flood risk is located at the site entrance on the Penrhos Drive/Usk Road junction and the majority of the access track remains flood free. The rate of rise and speed of inundation are not given in the FCA for comparison with A1.15.

Whilst a section of the access road is not compliant with the depth and velocity guidance in Section A1.15 of TAN15, the FCA suggests the risk to site occupants could be reasonably managed through the implementation of an emergency plan and the site owners signing up to the flood warning service. It is recommended that appropriate signage is installed on the site access in accordance with the guidance in Section A6.4 of TAN15.

Summary of Flood Risk: Part of the redline boundary including some of the access road is not predicted to be flood free in the 1% plus climate change and 0.1% flood event. During the 0.1% event, this section of access road does not meet the guidance in A1.15.

Therefore, if you are satisfied the development is acceptable in terms of flood risk, particularly with regard to access / egress arrangements considerations in consultations with other advisors, we have no objection on flood risk grounds.

#### **Foul Drainage**

We have considered the additional information made available at planning application stage with regard to the package treatment plant proposed. From a planning perspective we are satisfied with this.

We note the applicant has acknowledged a permit will be required. As previously advised the applicant should contact our permitting team on 030000653000 at the earliest opportunity to try to ensure that there is no conflict between any planning permission granted and the permit requirements.

### **Surface Water Drainage**

We note it is proposed to discharge surface and foul water into the Afon Llwyd, a designated main river. If development works in this area are within 8 metres of the river, you may need to apply for a Flood Risk Activity Permit. We refer you to our website for further advice.

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

4.4 GWENT BAT GROUP: We have considered the implications of the proposed development in the context of bat welfare and conservation.

In our opinion, given that the environment is essentially rural - wooded and with the Afon Llwyd making up the western boundary - the area is one which is most likely to be used by bats for foraging. The impression we have gathered from a reading of the detail of the application is that no wholesale clearance of the wooded area is intended. This being the case, we think it unlikely the proposed development would have any significant adverse impact on the value of the area as used by bats for this purpose.

4.5 GWENT ORNITHOLOGICAL SOCIETY:

Thank you for giving Gwent Ornithological Society the opportunity to comment on the above development application.

A close study of the Ecological Assessment carried out by the consultants for the applicant shows that the quarry is an important site for plants, insects, amphibians and birds, and that the SINC statuses are justified.

From an ornithological perspective it would have been useful if a winter survey had taken place, in order that the quarry's avian importance might be better judged. Also a brief visit from two colleagues on 4<sup>th</sup> February 2019 turned up calling Green Woodpecker and Lesser Redpolls which were not noted in the Ecological Assessment, as well as several other species listed in table 2 below.

If all of the mitigations suggested by the consultants were carried out and the habitat improvements listed in the application can be **legally guaranteed into the future** then the damage to avifauna should be low. The Consultant's do however advise that an increase in dogs running loose would be likely to disturb birds.

The main damage to the wildlife is likely to be at the Afon Llwyd Grasslands SINC, which will be directly affected. The consultant has identified some floral species on the SINC but a brief visit by two colleagues identified many more- see table 2 below. It would be good to know whether an awareness of the breadth of species present would alter the consultant's assessment of the level of damage. The mitigations suggested by the Consultant's would reduce environmental damage but some would seem to be inevitable. With regard to the suggested mitigations, if the development does go ahead it would probably be better if any bare soil is allowed to colonise naturally, rather than bringing in seed from outside sources. Otter have been seen here and the Consultant's conclude a moderate level of disturbance for this iconic species, which must be a concern.

If all of the mitigations suggested by the consultants were carried out across all areas and the habitat improvements listed in the application can be **legally guaranteed into the future the damage level would be reduced.**

If the development does proceed we would ask for as much as possible of the grassland and wetland areas to be retained unaltered.

**Table 1. Birds seen at Penrhos Quarry on 4<sup>th</sup> February 2019**

Green Woodpecker	Heard several times
Great Spotted Woodpecker	Heard drumming
Wood Pigeon	
Blackbird	
Robin	
Great Tit	
Blue Tit	
Long-tailed Tit	
Chaffinch	
Goldfinch	
Lesser Redpoll	At least four feeding on birches
Bullfinch	
Jackdaw	
Carrion Crow	

**Table 2. Plants seen at Penrhos Quarry on 4<sup>th</sup> February 2019 (no full survey)**

<b>Trees and shrubs</b>		
Silver Birch	<i>Betula pendula</i>	Frequent coloniser
Pedunculate Oak	<i>Quercus robur</i>	On top edges
Ash	<i>Fraxinus excelsior</i>	Frequent saplings
Alder	<i>Alnus glutinosa</i>	An area near entrance track
Field Maple	<i>Acer campestre</i>	Occasional
Hawthorn	<i>Crataegus monogyna</i>	Occasional
Grey Willow	<i>Salix ciberea</i>	Around wet areas
Eared Willow	<i>Salix aurita</i>	Rare in wet areas
Blackthorn	<i>Prunus spinose</i>	Occasional
Butterfly Bush	<i>Buddleja davidii</i>	Locally frequent by track
Dog Rose	<i>Rosa canina</i>	Occasional
Bramble	<i>Rubus fruticosus</i>	Frequent
<b>Other flowering plants</b>		
Creeping Buttercup	<i>Ranunculus repens</i>	Abundant
Broad-leaved Dock	<i>Rumex obtusifolius</i>	Scattered
Sorrel	<i>Rumex acetosa</i>	Occasional
Japanese Knotweed	<i>Fallopia japonica</i>	At least 2 large patches
Perforate St John's Wort	<i>Hypericum perforatum</i>	Occasional/Frequent
Cinquefoil	<i>Potentilla reptans</i>	Locally frequent
Barren Strawberry	<i>Potentilla sterilis</i>	Locally frequent
Agrimony	<i>Agrimonia eupatoria</i>	Rare – one plant seen
White Clover	<i>Trifolium repens</i>	Frequent
Red Clover	<i>Trifolium pratense</i>	Occasional
Bird's-foot Trefoil	<i>Lotus corniculatus</i>	Occasional
Hairy Vetch	<i>Vicia hirsuta</i>	Rare
An Evening Primrose	<i>Oenothera sp.</i>	Old fruiting heads of 2 plants
Cut-leaved Cranesbill	<i>Geranium dissectum</i>	Occasional
Hogweed	<i>Heracleum sphondylium</i>	Occasional
Centaury	<i>Centaurea erythraea</i>	Locally frequent in grassland
Ground Ivy	<i>Glechoma hederacea</i>	Locally frequent in shady edges
Self-heal	<i>Prunella vulgaris</i>	Frequent
Ribwort Plantain	<i>Plantago lanceolate</i>	Frequent
Teasel	<i>Dipsacus fullonum</i>	Frequent
Knapweed	<i>Centaurea nigra</i>	Frequent
Lesser Burdock	<i>Arctium minus</i>	Occasional
Yarrow	<i>Achillea millefolium</i>	Occasional in grassland
Spear Thistle	<i>Cirsium vulgare</i>	Occasional
Fleabane	<i>Pulicaria dysenterica</i>	Patch near pool
Mouse-ear Hawkweed	<i>Pilosella officinarum</i>	Occasional

Cat's Ear	<i>Hypochaeris radicata</i>	Frequent
Dandelion	<i>Taraxacum agg.</i>	Frequent
Hard Rush	<i>Juncus inflexus</i>	Locally frequent in wet areas
Pendulous Sedge	<i>Carex pendula</i>	One clump in pool
Hairy Sedge	<i>Carex hirta</i>	Frequent in damp grassland
Glaucous Sedge <sup>1</sup>	<i>Carex flacca</i>	Frequent in grassland
Wood False Brome	<i>Brachypodium sylvaticum</i>	Frequent at shady edges
Red Fescue	<i>Festuc rubra</i>	Frequent in grassland
Hart'stongue Fern	<i>Asplenium scolopendrium</i>	Frequent in wooded areas
Male Fern	<i>Dryopteris felix-mas</i>	Occasional in wooded areas

- 4.6 GWASANAETH TAN AC ACHUB DE CYMRU / SOUTH WALES FIRE & RESCUE SERVICE: the applicant should ensure there is suitable access for firefighting purposes and adequate water supplies for firefighting purposes.
- 4.7 DWR CYMRU / WELSH WATER (DCWW): commented in the applicant's pre-application consultation as follows:

### **SEWERAGE**

The foul flows only from the proposed development can be accommodated within the public sewerage system. We advise that the nearest connection point to the public sewer is at manhole chamber ST33914901 located in Ponthir Road, South-West of the development site. However, please note that a number of watercourses and a railway track is located between the proposed development site and public sewerage system. This may cause difficulties in connecting the development site to the public sewerage system and we recommend you liaise with NRW and Network Rail on these matters. Should a planning application be submitted for this development we will seek to control these points of communication via appropriate planning conditions and therefore recommend that any drainage layout or strategy submitted as part of your application takes this into account.

However, should you wish for an alternative connection point to be considered please provide further information to us in the form of a drainage strategy, preferably in advance of a planning application being submitted. With reference to the surface water flows from the proposed development, surface water should be discharged by sustainable means. We refer you to the Welsh Government 'Recommended non-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 etc). Any future drainage scheme for the development site should include the implementation, where possible, of these sustainable drainage methods for surface water disposal. Please also refer to further detailed advice relating to surface water management included in our attached Advice & Guidance note. In addition, please note that no highway or land drainage run-off will be permitted to discharge directly or indirectly into the public sewerage system. You may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under Section 106 of the Water Industry Act 1991. However, 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 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](http://www.dwrcymru.com) You are 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 you may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus in and around your site. Please be mindful that 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**

A water supply can be made available to service this proposed development. Initial indications are that a connection can be made from the 160mm diameter HPPE watermain in 333270,192164 location. The cost of providing new on-site watermains can be calculated upon the receipt of detailed site layout plans which should be sent to the above address.

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

#### **5.1 HEAD OF STREETSCENE & CITY SERVICES (HIGHWAYS):**

The development proposal is for the siting of 28 units of holiday accommodation (24 log cabins / pods and 4 lodges) at Penrhos Quarry. Vehicular access would be via Penrhos Drive from Usk Road. Penrhos Drive is not highway maintainable at public expense, but nevertheless is a highway, and the application shows it to be in the ownership of the applicant. The development would result in an increase in traffic using Penrhos Drive and its junction with Usk Road which, in their current forms are unsuitable to cater for an increase in traffic due to the inadequate width and junction alignment of the former and inadequate visibility from and of emerging vehicles at the latter. The applicant has submitted a Transport Statement (TS) and is proposing to mitigate the traffic impacts of the development proposal by improvements to the above.

In order to examine the traffic impact of the development the applicant has submitted data extracted from the TRICS database. This shows the greatest impact to be between 16:00 and 17:00 hours on a Friday, being the likely change over day. During this hour an additional 4.3 inbound and 3.0 outbound vehicle trips would result. This equates to an average of 1 additional inbound vehicle every 14 minutes and 1 additional outbound vehicle every 20 minutes. In terms of the local highway network it is not considered that the resulting impact would be unacceptable.

Penrhos Drive is for the most part of single vehicle width and this does raise a safety concern in that any congestion caused by vehicles travelling in the opposite direction meeting would result in over long reversing manoeuvres. This concern is exacerbated at the junction of Penrhos Drive and Usk Road the current alignment of which does not allow two vehicles to pass and would be likely to result in vehicles having to reverse onto Usk Road. In terms of highway safety these are unacceptable. In mitigation the applicant proposes to widen Penrhos Drive to 4.8 metres and reconfigure its junction with Usk Road to enable vehicles to pass and for a commercial vehicle to track acceptably through the junction. At a width of 4.8 metres Penrhos Drive would allow a car to pass a medium sized commercial vehicle and this is acceptable. Approaching the junction Penrhos Drive would widen to 5.5 metres and then enter a widened bellmouth junction. The TS contains HGV swept path analysis of the reconfigured junction which raises a cause for concern. The outbound HGV left turn manoeuvre clearly shows a vehicle having to enter the offside carriageway of Usk Road, being a classified road. Examination of the junction improvement drawing shows that the eastern bellmouth radius does not meet Penrhos Drive tangentially which appears to be a contributory factor. The applicant must address this potential vehicle conflict.

The junction of Penrhos Drive with Usk Road currently has limited visibility from and of emerging vehicles. The application proposes improvements to visibility. To the right an improvement to 2.4 x 100 metres is proposed which is achievable over land within the control of the applicant and the highway verge. To the left a splay of 2.4 x 70 metres is proposed but this is shown drawn to an offset of 1.0 metres into the carriageway. The splay should extend to the edge of the nearside carriageway and not to such an offset. Given the speed limit of 30mph a splay of 43 metres would be acceptable but again this must extend along the nearside carriageway edge. This point must be addressed by the applicant. Should it prove that the above desired visibility cannot be achieved then the applicant should demonstrate clearly on a plan both the existing visibility and that which can be achieved by improvement to enable further consideration to be made.

Whilst the proposed widening of Penrhos Drive to 4.8 metres is acceptable in terms of capacity for vehicular traffic it will likely result in an increase in vehicle speeds to the detriment of pedestrian safety. No footway is proposed resulting in pedestrians having to walk within the live carriageway. It is for the applicant to account for pedestrian safety concerns and demonstrate adequate mitigation. The applicant is advised that for part of its length Penrhos Drive incorporates a public right of way. This right of way extends to Usk Road via an off-road section which is not suitable for all pedestrians. There is a footway on the south side of Usk Road, between Penrhos Drive and Caerleon. The proposed reconfigured junction of Penrhos Drive and Usk Road must include a safe pedestrian crossing point.

The applicant should be requested to address the above highway safety concerns and submit additional information in response.

5.2 HEAD OF REGENERATION, INVESTMENT & HOUSING (TOURISM): I am in support of this application. It would create a new type of accommodation that Newport does not currently have much of.

Recent work done looking at local accommodation development in areas done through rural development funding has highlighted this particular type of product as popular with current and futures markets .

There is more sensitivity to environmental aspects, with options for family and disabled clients.

24 units seems a sustainable business model, and would support the local economy as well. There are nearby shops and eating-places which would really benefit from this development. Especially given the recent closure of the university campus. Any opportunity to add to the cycle route connectivity is to be encouraged.

There is an issue about encouraging more traffic through the old village, so that all traffic would need to be clearly directed from the A4042 direction, including their marketing and on line instructions.

5.3 HEAD OF STREETSCENE & CITY SERVICES (LANDSCAPING):

There is insufficient information available to properly assess the proposed development's possible landscape impacts.

**The following information is required:**

- Topographical survey of the site to confirm existing and proposed levels.
- The visual appraisal submitted at pre-app stage does not consider the impact of the maintenance building. Due to the scale of the proposed building, an updated LVA is required to establish the visual impact of this additional structure.
- The Arboricultural report does not contain a tree constraints plan. A tree protection drawing is referenced in the report but does not form part of it and does not seem to have been submitted. A tree protection drawing based on the topographical survey is required. The drawing should include accurate tree canopies, root protection areas, locations of protective fencing, construction exclusion zones, site compound areas and an order of arboricultural works.
- Detailed layout proposals based on the topographical survey drawing.
- Arboricultural Impact Assessment drawing indicating trees and vegetation for retention and removal based on the detailed layout proposals,
- Detailed landscape proposals including existing and proposed levels, details of hard surfacing, all soft landscaping, detailed plant schedules and a landscape specification & management plan. Management plan to include existing and proposed trees & vegetation. This drawing should be informed by the wildlife protection plan, ecological management plan and NRW comments.

#### 5.4 HEAD OF STREETSCENE & CITY SERVICES (ECOLOGY):

The following issues should be changed or addressed where relevant in the Construction Environment Management Plan (CEMP), Ecological Design Strategy (EDS) or Landscape & Ecological Management Plan (LEMP).

- It should be possible to avoid the need to remove any trees that have bat roost features. The siting of the pods/lodges and infrastructure must be amended where necessary to avoid impacting mature trees which have features suitable for bats to maintain the woodland character of the site. Therefore, remove any caveats that permit removing bat tree roosts from any report text. Allowance will need to be made in planning terms for the micro-siting of pods/lodges on this basis.
- The use of “American-style” bat boxes is not considered to be suitable in this case (a) because of the aesthetic impact of these large boxes on poles in a semi-natural woodland setting, and (b) because of the impact of installing large poles on the root protection zones of the surrounding trees. It is recommended that more, smaller, bat boxes are installed on suitable trees along the length of the river corridor.
- A more diverse range of bird box types should be used to provide a range of options for birds (e.g. different size holes, open fronted boxes). More information on the suitable siting locations of bird boxes should be included.
- There must be a minimum of 7m buffer maintained between water courses and development. This should be shown on the plans to ensure it is achievable. Therefore all caveats permitting works within 7m should be removed. If there are specific activities that require works within 7m these should be identified separately.
- Himalayan balsam **is** a Schedule 9 invasive species (a later addition to the schedule) and needs to be identified as such.
- Both sections 7 and 9 refer to controls of moving contaminated soil – It was understood that no soil movements were required? If this is not the case, more information will be needed.
- Please could it be confirmed that cattle grazing of MU1 is feasible? (Fencing issues, size of parcel, etc.) Please consider potential undesirable impacts on the river from this (poaching of banks).

Further correspondence confirmed the following:

- There is no objection to bramble clearance if completed under ecological supervision.
- The Landscape & Ecological Management Plan (LEMP) can be conditioned, however the Construction Environment Management Plan (CEMP) should be submitted prior to determination in order to ensure there will not be an adverse impact on protected and priority habitats and species. Given the high conservation value of the site I believe it is reasonable to request that this information is provided upfront.

#### 5.5 PUBLIC PROTECTION MANAGER (SCIENTIFIC OFFICER):

Having reviewed the above application I have the following comments to make:

##### **Contaminated Land**

Given the historical land use of the site as a former quarry and the recent earthworks activity that have been highlighted in the public response (by Robert & Debora Obern) I recommend the standard contaminated land conditions are implemented. Introducing a new sensitive receptor (users of the camping pods) into a former industrial land use will require a contaminated risk assessment:

*(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 Newport's Air Quality Supplementary Planning Guidance the potential air quality impact of the proposed end use (pod camp site) is far less than an industrial land use - As such, a detailed air quality assessment is not required.

The application includes electric vehicle charging spaces for 2 spaces out of 30– which is less than Planning Policy Wales guidance of 10% EV charging points for commercial developments. A condition should be placed on the permission ensuring that EV charging points are installed.

The initial journey to the site by visitors is most likely to be by car, however during the stay of the visitors there is the opportunity to promote cycling and walking into Caerleon as the preferential method of transport. Unfortunately there appears to be an issue regarding pedestrian access / rights of way. It would have been preferential to have an off road route directly into Caerleon for walkers / cyclists. I would also suggest that providing a rentable electric vehicle on site would be of benefit in promoting low emission travel to the guests.

Overall, the proposed development offers a good opportunity to support, encourage and expand upon low/zero pollution forms of travel.

5.6 PUBLIC PROTECTION MANAGER (NOISE): No objection but recommends control over construction hours via a Construction Environment Management Plan.

5.7 HEAD OF STREETSCENE & CITY SERVICES (LANDSCAPING):

Insufficient information is submitted to enable the development landscape impacts and mitigation measures to be assessed.

A Landscape and Visual Appraisal has not been submitted, although this was submitted at the pre-application stage this did not include the proposed maintenance building which is significant at 30.48x9.14x6.4m (to ridge height).

There is no mitigation planting plan.

The use of former disturbed areas is welcome but the detail of siting and subsequent impact particularly on levels and vegetation (potentially including areas of more mature tree cover) needs to be clarified. There is no topographic survey to confirm the existing and proposed levels. The impact on existing vegetation is a concern particularly at the following locations:

- Widening the main access track and provision of passing bays as the adjacent land either side is steeply sloping
- Four lodges which have a minimum footprint of 9.2x6.1m and for which concrete raft or strip footings are required
- Maintenance building 30.48x9.14m
- Car park with 30 spaces – no detail on levels, mounding or surfacing
- Refuse area to rear of reception building
- Potential impact of pond is unclear

The following is required:

1. An updated LVA should be submitted to include appraisal of the maintenance building.
2. Detailed design for the areas of concern highlighted above or other agreed approach.
3. A detailed planting plan is required.
4. A maintenance and management plan is required for new and existing vegetation.

5.8 HEAD OF STREETSCENE & CITY SERVICES (PUBLIC RIGHTS OF WAY OFFICER): This section is unable to support this proposal due to concerns over the Public Right of Way that in part shares the access lane to the property and fact that this has not been properly considered and addressed in the design and access statement.

The design and access statement states that;

*“There are no public footpaths within the site although there is a footpath outside the gates of the Quarry which accesses Usk Road, avoiding Penrhos Drive”*

This statement is incorrect as the definitive line of the footpath (389/33) shows it as sharing Penrhos Drive for roughly 60 metres (GR ref ST3419891288 to ST3418291344) before it crosses and leaves the lane, heading in a north-easterly direction to the rear of Penrhos Cottage. I have attached a plan showing the line of the footpath.

The design and access statement also states that works will be undertaken on Penrhos Drive and that the improvements will be undertaken section by section and the road will not be closed at any point; further clarification on how this work will be carried out allowing for the safe passage of users of this path at all times is required. Particularly, at the point the footpath crosses the lane. If the safe and open passage of public cannot be guaranteed at all times during these works then a Temporary Closure order will have to be applied for and implemented before works begin.

Additionally, due to the fact that the surface of this public right of way will be disturbed by the works (albeit with the expectation of an improvement to the surface) Newport City Council must be notified of any works taking place on the public footpath (Highways Act 1989 s131).

5.9 HEAD OF STREETSCENE & CITY SERVICES (TREES): Following submission of further information and clarifications; no objection in relation to tree matters.

5.10 HEAD OF STREETSCENE & CITY SERVICES (WASTE): We note that the development will be of a commercial nature, requiring the developer and site management to procure commercial trade waste and recycling services.

## **6. REPRESENTATIONS**

### **6.1 NEIGHBOURS:**

All properties within 100m of the application site (24 addresses) were consulted and a site notice was displayed.

#### **6.1.1 Four letters of support raising the following points:**

- Increased trade for local businesses such as pubs and restaurants.
- There is a lack of tourist accommodation in Caerleon leading to missed / lost trade.

#### **6.1.2 Ten letters of objection raising the following points:**

- The Penrhos lane / Usk Road junction is dangerous for those that know it and increased use by people who are unfamiliar with the junction would increase that risk still further.
- Penrhos Lane is narrow and can only just support the traffic generated by the houses currently accessed along the lane. The proposal would increase traffic unacceptably and lead to conflict.
- Adverse impact on rural character and appearance.
- The existing concrete track should have been removed – its continued presence flouts planning regulations.
- The proposed storage shed is overly large and out of scale with the proposal as is the over-engineered concrete track.
- Increased run-off from the site will increase the risk of flooding.

- Adverse impact on bio-diversity
- The holiday village will lead to increased noise in a quiet rural area.
- The Listed Penrhos Farmhouse and the Scheduled Ancient Monument (Civil War Camp) will be adversely affected by the development.
- There is no fallback position since the quarry cannot be re-opened.
- There is no Landscape & Visual Impact Assessment with the scheme so these impacts cannot be assessed.
- Highway improvements will have an adverse impact on rural character and appearance.
- The proposed widening of Penrhos lane will have an adverse impact on the Afon Llwyd Grasslands SINC.
- The concrete road surface is noisy and will adversely impact on the residents of Penrhos Farm and barns.
- The application is ruse to retain the track which has been found to be unacceptable by the Planning Inspectorate.
- Commercial uses that do not benefit from planning permission are being undertaken on the site.
- There will be more traffic on Usk Road leading to congestion and the risk of speeding.
- There is sufficient local tourist accommodation.
- The storage building will be visible from Caerleon
- Industrial and road noise will have an adverse impact on the holiday village.
- The site is isolated from the facilities of Caerleon and is not sustainable, local roads are not safe for cycling.
- The site is at risk of flooding.
- The proposed storage building will be of low visual quality.
- Tourists will be noisy and there will not be any on-site control.
- The road widening will cause habitat loss.
- Increased traffic on Penrhos lane will be a threat to pedestrian safety since there is no footway.
- Construction will have a detrimental impact on local amenity due to vehicle movements and noise.
- The fallback use as a quarry is weak and should be given little weight.
- The access road will flood.
- The wildlife reports are inaccurate.
- The concrete track has been found to be harmful and should be removed.
- Penrhos lane is too narrow to serve the proposed development.

## 6.2 COUNCILLORS:

### 6.2.1 Councillor Jason Hughes:

I would like to object to the Penrhos Quarry development Application in relation to several points.

The Quarry site lies on the outskirts of Caerleon, a town with an already recognised traffic and pollution history. The application suggests a tourist facility where guests would predominantly travel to the area using their vehicles. A development of this size and nature would have at least 30 plus vehicles not to mention the ones accessing and servicing the site. Sites of this style tend to be occupied throughout the year and are characteristic of small developments-only with changing residents who come and go throughout the day and night. The site would require development from scratch necessitating new water, electricity and sewerage facilities.

The site access path is already been subject to an enforcement notice (EN) Ref E15/0400/1320 (03/05/17) confirming at appeal its unsuitability and the issues identified remain relevant but would only be added to by the addition of what is essentially a tourist village.

To facilitate such a site the existing unlawful path would need to be widened at the Usk Road Junction making the area more dangerous for existing residents and their children who make

their way along the path to school daily. Being set off the main Usk Road there is a lack of a public footpath leading from the site to Caerleon town and the road is already acknowledged as a significant route to Usk and the surrounding area for cars, HGVs and agricultural vehicles. Cars often pick up speed along this straight route and the addition of a significant junction would increase the danger; not limit it.

Importantly the site is within an area designated as open countryside which as well as being part of the green wedge also includes an area identified as an important nature conservation site (Sinc). The appeal recognised that the concrete track was an inappropriate development for the site affecting the rural character and appearance of the area and surely it stands to reason that not only maintaining the track this but substantially adding to the development would only add to the concerns raised initially.

I am also concerned about the impact the development would have on the environmental and ecological importance of the site and it's wildlife, trees noise and drainage noting the area has been undisturbed for many years before the unauthorised development of the site access. Penrhos farm is also an important archaeological and historical site and adjoins the site of a scheduled ancient monument 011 (Npt)- civil war fort. The farmhouse itself is grade two listed

Whilst accepting in the past this quarry was once used as an industrial site we must accept I feel that times have changed dramatically in Caerleon and that this generation's problems are different. I believe strongly that while in many areas such a development may well be welcomed, in Caerleon however it is the wrong site at the wrong time due to the significance of the issues we face as a town and the significant impact development could have on the ecology, environment and historical issues identified,

I would therefore wish my objection to be noted.

#### 6.2.2 Councillor Gail Giles:

I consider it to be an inappropriate development due to:

##### **The impact of additional traffic on Penrhos Drive and visibility onto Usk Road**

The quarry site is set back off Usk Road. There is a lack of designated public footpaths and is situated approximately one mile from the centre of Caerleon town. To walk into Caerleon would require walking to the main Usk Road, which includes a junction acknowledged to be inadequate visibility, high density and speed of traffic, including heavy lorries. It would be unsuitable for young families in particular and cyclists would also find it hazardous.

In addition, there is considerable concern that widening of the road from Usk Road to the entrance of Penrhos Quarry will make the road more dangerous, particularly for pedestrians, particularly the children from the five other residential properties on their way to school.

There was no traffic to the site prior to the unauthorised development and it is, therefore, most likely that there would be regular use of cars by users of the pods. That could certainly be well in excess of 30.

As previously stated, the track has been the subject of both a planning application and an appeal which confirmed that it is unjustified and unacceptable (Enforcement Notice (EN) (Ref: E15/0400(1320, issued on 3 May 2017).

It is sited within an area designated as open countryside, partially within a C2 Flood Zone, and also includes the Afon Llwyd Site of Importance for Nature Conservation (SINC).

Given the size, location, construction and materials used the concrete track represents inappropriate development in the countryside to the detriment of the rural character and appearance.

Traffic issues in Caerleon's ancient one-way system are very well documented including high levels of pollution in High Street, and increasing levels in Castle Street. All traffic, including HGVs, has to use the one-way system thus increasing congestion, pollution and parking issues.

The adverse effect of air pollution on health is well known and, while a significant amount of work continues to be taken to find a solution, any additional traffic from the quarry site can only add to the problems.

It is unnecessary and unacceptable and would negatively impact on the present AQMA.

#### **Site development and Ecological impact:**

The Site has no water, electricity or sewerage and development would require:

- the use of numerous HGVs and other industrial vehicles-
- cabins craned onto site
- Considerable risk of damage any trees during the process and in the vicinity of the cabins/pods
- amenities, such as water, electricity and sewerage to be provided
- organisation of waste management and collection e.g.: bins and recycling materials
- availability of supplies such as food, drink and other necessities required on an isolated site
- 24/7 Site management and presence to ensure the health, safety and security of visitors

In addition:

- It is believed the dumping of waste has been occurring.
- The design is unacceptable – including a huge metal shed and wire mesh fence
- Storage of heavy industrial equipment is entirely inappropriate
- Flooding and widening of the track is totally unacceptable

There is no antisocial behaviour at the site

#### **Ecological issues:**

- Many of the ecological issues regarding this site were raised in the previous, refused, application and further development can only increase the damaging ecological impact on trees, wildlife, drainage of the land and noise.
- The management of the quarry has been neglected, leading to the spread of invasive species.
- Nearby Penrhos Farm is an important archaeological site
- The site is not agricultural land, it is wooded and disused for many years. It is recognised by the Local Authority as 'green wedge' and must not, therefore, risk a potential precedent for any development, such as housing or industrial. This is particularly important given the previous history of disregard for the environment and planning requirements which failed an Appeal by the Welsh Government Planning Inspector.

#### 6.2.3 Councillor Joan Watkins:

I am writing with regard to the current application. I am aware there may be some support for local businesses should this application be granted, but have grave concerns as to the increase in traffic which it would engender, traffic levels in Caerleon are already a cause for concern given the resulting pollution and very poor air quality. Additionally I feel there may be disadvantages to wildlife in the area if permission is granted. I am therefore not able to support this application.

## 7. ASSESSMENT

### 7.1 The site

7.1.1 The site area is 4.45 Hectares in area and lies immediately east of the Afon Llwyd on Caerleon's eastern boundary. It primarily consists of a disused quarry formerly used to extract clay for the StarBrick Works which is currently accessed by a concrete track that enters the site from Penrhos Lane. The track is subject to an enforcement notice that requires its removal. The quarry has been dormant since the 1970s and has begun to revegetate, much of the revegetated area is protected by TPO 04/2005. The lower reaches of Penrhos Lane are also within the application site including its junction with the Usk Road.

7.1.2 The applicant also owns adjacent areas of land which contain areas of semi-natural ancient woodland including Coed y Gatlas which is protected by TPO 78/Mon. Part of the application site is within the Afon Llwyd Grasslands Site of Importance for Nature Conservation and it is proposed to widen Penrhos lane within this SINC.

7.1.3 Part of the site; the lower parts of Penrhos lane and the concrete access track lie within Flood Zone C2 – undefended floodplain.

## 7.2 The Proposal

7.2.1 The proposal is as described in Paragraph 1.1.

## 7.3 Key Issues

7.3.1 The key issues relevant to the determination of this application are:

- Appropriateness of the Use in the Countryside
- Impact on Landscape
- Impact on the Scheduled Ancient Monument
- Impact on Trees
- Impact on bio-diversity
- Highway Safety – Road Widening and Works to Road Junction & the Public Right of Way
- Drainage of Surface and Foul Water
- Flooding
- Control over phasing / delivery of the scheme (track & storage shed)
- Mineral Resources
- Caerleon Air Quality Management Area
- Residential Amenity

## 7.4 Appropriateness of the Use in the Countryside

7.4.1 The site is within the countryside for planning purposes. Policy SP5 allows development in the countryside when:

*'where the use is appropriate in the countryside, respects the landscape character and biodiversity of the immediate and surrounding area and is appropriate in scale and design. Housing development, rural diversification and rural enterprise uses, beyond settlement boundaries, will only be appropriate where they comply with national planning policy'*

Also relevant is Policy CF8 (Tourism) which states:

*New and improved tourism related developments, including hotel and other visitor accommodation, conference and exhibition facilities, heritage interpretation facilities, rural tourism and activity tourism in the countryside will be permitted, particularly where regeneration objectives will be complemented.*

7.4.2 The proposal is for the following development:

- Four timber lodges
- Twenty-four pods (2 person accommodation)
- A storage building for maintenance equipment
- A reception building and car parking for 30 vehicles
- Footpaths, drainage infrastructure and lighting

- Works to the access road within the site to provide further hard surfacing and passing bays
- Works to widen Penrhos lane between the entrance to the quarry and the Usk Road
- Works to improve the junction between Penrhos lane and the Usk Road.

7.4.3 The key elements of the proposal are the road widening, the provision of the accommodation units and the storage building. The units of proposed accommodation are:

	Dimensions	Description
Lodge	<p>3 bedroom / 2 bathroom footprint - 12.3m by 6.112m ridge height – 3.64m eaves height – 2.7m</p> <p>2 bedroom / 2 bath footprint – 10.46m by 6.112m ridge height – 3.64m eaves height – 2.7m</p> <p>2 bedroom / 1 bath footprint – 9.24m by 6.112m ridge height – 3.64m eaves height – 2.7m</p>	<p>Timber chalet construction, two double doors opening onto a wrap around deck to front and side. Other appropriate fenestration and openings.</p> <p>Combined kitchen / dining area and lounge.</p> <p>Bedroom(s), ablutions and built in storage</p>
POD (3 types)	<p>Footprint – 5.2m by up to 6m Height - 2.75m</p>	<p>Tunnel structures with semi-circular cross section, integral porch area with double door &amp; floor to ceiling windows in front elevation and two small, windows in the rear elevation.</p> <p>Space for double bed and kitchenette &amp; ablutions</p>
Reception Building	<p>Floorplan not scaled</p> <p>No elevations</p>	
Storage Building	<p>Footprint – 30.48m by 9.14m Height 4.57m to eaves Height – 5.9m to ridge</p>	<p>Walls – concrete panels and steel cladding</p> <p>Roof – fibre cement / plastic rooflights</p>

7.4.3 Policy CF8 is supportive of tourism development in broad terms with the supporting text of the Policy drawing attention to the need for the developments to complement the character of the area they are located within and not to have unacceptable impacts on amenity and the environment. Policy SP5 seeks to ensure that proposals in rural areas are appropriate, respect landscape character and bio-diversity and are of appropriate scale and design.

7.4.4 As a tourist development the proposal is in accordance with CF8. The proposal is a limited number of units of accommodation of small scale constructed from natural materials. In themselves they would sit within the proposed site in an unobtrusive manner. The site is naturalistic and contains areas of woodland and grassed areas and as a former quarry the site is enclosed and has very limited inter-visibility with the public realm. The accommodation and reception block would not be readily seen and would integrate with their surroundings in an acceptable way.

7.4.5 Ancillary development such as the car park, roadways, footways and lighting could also be acceptably integrated into the site subject to conditional controls over finishes and the extent of lighting allowed. However this can be achieved under any conditional regime that might be applied.

7.4.6 The storage building is of a significantly larger scale but would appear as an agricultural style building and again due to its siting within the quarry it would not be readily visible from the surrounding area. Although large the applicant has explained what equipment would be stored within the building and this does not seem unreasonable since although the number of units is limited, the overall site is larger and a maintenance burden will arise. It is not clear that the applicant has anywhere else that this equipment might be stored in or might rely on contractors who would bring their own equipment onto the site. However the building is clearly capable of supporting the proposed use, has very limited impact on rural character and appearance and its use can be controlled to ensure it is only used in association with the permitted scheme. As such it is judged to be appropriate within the context of the application.

7.4.7 Due to the very limited impact on rural character, appropriate scale and design and conformity with Policy CF8 the proposal is considered to be acceptable within this rural context. Policies CF8 and SP5 are complied with.

## 7.5 Impact on Landscape

7.5.1 The site lies within a dormant quarry, that is set at a lower level on the former quarry floor which is partly reforested and has recovered a naturalistic feel. However due to the on-going permission to extract minerals and no conditions being in place to require restoration the site is considered to be previously developed land despite the revegetation that has taken place.

7.5.2 Views into the site from the public realm are very limited with there being no public rights of way in or near the site. The quarry has a high degree of visual enclosure and the wooded nature of the Afon Llwyd valley and associated woodland areas (including Gatlus Wood) add to the degree of visual enclosure.

7.5.3 Consequently the development will have a very limited landscape and visual impact with the site not being widely or easily seen. The Landscape Officer has questioned the quality of the landscape information provided but a site visit confirms the site is not readily visible and is very well screened by vegetation. At the appeal to retain the concrete access track the Inspector noted that the track was visible from the wider environment (Paragraph 15) including the road leading to Penrhos Farm and the associated barn conversions. However the accommodation and other buildings would be sited beyond the Farm and any additional harm to the visual amenity of the occupiers of those houses would be negligible – they would continue to see the track but not other parts of the development. The Inspector concluded that the track did urbanise the rural character of the area due to its extensive scale, form and overall design but at the time of the appeal the track had no justifying end use which could offset the identified harm. Under this proposal that omission is addressed. The track would serve a tourism development that is acceptable in broad policy terms.

7.5.4 Therefore in landscape and visual terms the harm identified by the appeal Inspector is acknowledged and agreed but very little to no further harm will accrue from the tourism structures and associated works should the proposal go ahead and in any event Penrhos Drive is not adopted and is in private ownership. In effect only the residents who regularly use the drive would have views of it and there is scope for mitigatory planting to further break up views of the concrete track and reduce the overall visual harm. In terms of a balanced judgement the harm caused by the track's retention is agreed but it can be balanced out against the scheme's merits now that the track is associated with a new use for the disused quarry. No significant adverse impact can be anticipated from the other elements of the scheme given their location within the 'bowl' of the quarry.

7.5.5 In Policy terms the retention of the track would cause harm to landscape quality and result in a breach of Policy GP5v (landscape quality). Policy GP2ii (Visual amenity and Character & Appearance) is also contravened by the retention of the concrete track. The other elements of the scheme are held to have minimal landscape and visual impact and are acceptable in Policy terms. As such the track retention weighs against the scheme in landscape impact terms.

7.6 Impact on the Scheduled Ancient Monument & Archaeology

- 7.6.1 The Glamorgan & Gwent Archaeological Trust (GGAT) have advised that they do not object to the proposal subject to the application of an archaeological watching brief condition. Archaeology is not a constraint for the development subject to the application of the condition.
- 7.6.2 GGAT also advised that Cadw are consulted in relation to the potential impact of the scheme of the setting of the site of the Civil War fort (MM011) to the immediate north east of Penrhos Farm. The fort survives as a series of earthworks (bastions and embanking) and has very limited inter-visibility with the development site. The accommodation and other buildings would not interpose itself into any key views of the fort and has a negligible impact on its setting and upon the interpretation of the fort as a historic asset. Views towards the fort from the concrete track would be broken up by vegetation and the complex of farm buildings and once again any effect would be very slight to none.
- 7.6.3 Technical Advice Note 24 (The Historic Environment) advises at Paragraph 1.29 *'The local planning authority will need to make its own assessment of the impact within the setting of a historic asset, having considered the responses received from consultees as part of this process. A judgement has to be made by the consenting authority, on a case-by-case basis, over whether a proposed development may be damaging to the setting of the historic asset, or may enhance or have a neutral impact on the setting by the removal of existing inappropriate development or land use'*.
- 7.6.4 TAN 24 also advises that mitigation such as landscaping can overcome adverse impacts in relation to developments and the setting of historic assets. In the light of this national policy and the very limited impact that can be anticipated it is considered that the proposal would have a very limited impact on the setting of the Civil War fort (MM011) and harm would be very slight or none and would not amount to a reason to refuse planning permission for the proposal. Harm to Policy SP9 (conservation of the historic environment) is very slight and would not be determinative in any planning decision.
- 7.7 Impact on Trees
- 7.7.1 The development will require the removal of some trees to provide the accommodation and ancillary buildings as well as the parking area and the connecting footways. However the overall masterplan has been guided by the tree cover on the site and areas that are not wooded or that contain minimal tree cover of smaller younger trees have been identified as the locations for development.
- 7.7.2 The Tree Officer is satisfied that the development can be delivered with minimal impact upon the mature tree cover within the site and the proposal does not contradict the aims of the 2005 Tree Protection Order. The protected woodland will remain in place and the protection provided by the order will continue if the future. The permission would allow the removal of any trees that need to be felled to allow the development to proceed but would not negate the TPO and allow for generalised felling in the future.
- 7.7.3 As already noted the site is visually self-contained so the landscape impacts of the modest tree removal that is proposed will be negligible. In bio-diversity terms the proposed siting of the accommodation and other development elements has been chosen so as not to remove larger trees of significance for bio-diversity (potential bat roosts or habitat for other protected species / nesting birds). The vegetation to be removed is scrubby and subject to conditional controls over how the removal is to be achieved then the ecological interest of the site can be preserved. The Ecology Officer has already agreed to the removal of bramble on the site subject to ecological oversight.
- 7.7.4 In landscape and ecological terms the proposed tree removal is acceptable due to its limitation in areas of removal and careful site selection protecting the trees of higher value. Policy GP5vii (Trees) is met since there would be no unacceptable loss of or harm to individual trees or woodland caused by the proposal.
- 7.8 Highway Safety – Road Widening and Works to Road Junction & the Public Right of Way

- 7.8.1 The lower part of Penrhos Drive is in the applicant's ownership. The Drive is narrow with a limited bellmouth to secure visibility along the Usk Road. Under the proposal the lower part of the Drive between the Usk Road and the concrete access track to the site would be widened to accommodate two-way traffic. The Drive is currently about 3.8m wide and would be widened to 4.8m. The bellmouth would also be widened to secure appropriate visibility along the Usk Road (2.4 by 43m).
- 7.8.2 The Highways Officer has raised concerns in relation to the tracking of HGVs out of the site with the submitted drawings showing a rigid bodied HGV would cross the centre line when turning left out of Penrhos Drive. The applicant points out that after the construction phase very few if any HGVs will be entering or leaving the site and that to re-engineer the junction would result in an excessively wide access point that would damage rural character. The applicant suggests that suitable traffic management within a Construction Environment Management Plan (CEMP) would be sufficient to offset the concerns raised. Officers agree with this approach. The revisions to the junction will bring clear betterment for all users including the existing ones and the few occasions when larger vehicles will be leaving the junction (post construction) mean that any harm to highways safety would be slight and not significantly harmful. Additionally visibility has been shown to be to the expected standards, exiting drivers will have a clear view of the Usk Road and will not need to make hurried turns. Policy GP4v and vii are met since the proposed access arrangement are suitable and safe and there would be no detriment to highway and pedestrian safety.
- 7.8.3 The works of widening would require the removal of an existing hedgerow and the relocation of a gate pillar that forms part of a matching set. The widening of the road would also impinge on the Afon Llwyd Grasslands Site of Importance for Nature Conservation (SINC) for a stretch of approximately 215m. The hedgerow can be transplanted and so its loss is not seen as unacceptably damaging in landscape terms. The 'Wildlife' Supplementary Planning Guidance seeks compensatory habitat at a ratio of 1:1.5 for any lost habitat in order to offset any qualitative loss in habitat. Given the extensive nature of the site there is no reason to think that additional planting opportunities cannot be found within the overall site. The gate pillar is also shown as being relocated and so can be retained under any conditional regime. The widening will allow two way traffic in the currently narrow Drive and will prevent traffic conflict and extensive reversing manoeuvres.
- 7.8.4 The widening would directly impact on the Afon Llwyd Grassland SINC by reducing its area. However this section of the grassland is subject to a significant invasion by knotweed and Himalayan balsam which given the SINC's characterisation as *'large areas of semi-improved marshy and dry neutral grassland, used by otter'* reduces its overall bio-diversity potential. Policy CF8 allows development in locally designated sites so long as there is no overall loss of the nature conservation resource and appropriate mitigation or compensatory measures can be achieved. In this case the development will lead to a direct loss since built development will appear within the SINC, although not a large area of it. However the quantity of lost habitat will be small and management improvements in relation to the removal of the invasive plant species and overall improved management will lead to clear ecological benefits and an overall improvement in the characteristics of the SINC. Consequently the loss of a small area of SINC habitat is not seen as an unacceptable harm since appropriate mitigation can be achieved with an appropriate management plan for the SINC which can be secured under condition.
- 7.8.5 The Public Rights of Way (PRoW) Officer has raised concerns in relation to PRoW 389/33/1 which runs roughly northwards from just east of Pont Sadwrn, where the Usk Road crossed the Afon Llwyd. This footpath runs within Penrhos Drive for a short stretch of approximately 50m. In reality the dense vegetation adjacent to the river probably means that any walkers are likely to be using the Drive rather than the footpath. However it is clear that the proposed road widening will impact on this PRoW. The widening will potentially increase traffic speeds but the Drive will remain a no through road serving the proposal and a small number of dwellings. Vehicle numbers will still be limited and the road will not lend itself to high speeds. It will remain a quiet rural road and so the risk to walkers within the Drive is considered low and acceptable. In any event the applicant has suggested extending the footpath further to the north outside of the carriageway on land within his ownership. The intention is that this will not be a formalised arrangement and will be very much a rural footpath. It will however facilitate foot movements outside of the formalised surface of the Drive. The Drive itself will

remain available to foot traffic who prefer not to use the footpath. As noted the risk to pedestrians within the Drive is considered low and acceptable due to the low speeds expected. The PRow can be retained and potentially enhanced under the development proposal. Policy T7 (public rights of way & new development) and T6 (public rights of way improvement) can be met.

7.8.6 Overall the widening of the drive is seen as acceptable with the concerns raised being addressable under the conditional regime.

## 7.9 Drainage of Surface and Foul Water

7.9.1 The proposal is to drain surface water to the Afon Llwyd. The applicant has commissioned a paper that looks at the surface drainage options for the site, presumably with a view to submitting an application to the SAB (Sustainable Drainage Approving Body) for adoption of the drainage system. The paper considers various options but concludes that a system to slow run-off via swales, contain it in attenuation ponds and then discharge water to the Afon Llwyd at low rates. The paper concludes that much of the site has low permeability and infiltration of waters to the ground is unfeasible. This squares with the quarry having been a clay pit historically. The attenuated waters would then flow through a pipe beneath the concrete access track and would then flow to the river via a ditch following the line of a former track that went down to the river. The drainage report also looks at lower parts of the catchment near Usk Road and concludes that roadside ditches and drainage to existing water courses will provide the necessary storage capacity for run-off. Overall there should be no increased risk of flooding due to storage and attenuation features that can be incorporated into the drainage scheme that is proposed for then site. Final details of the proposed site drainage can be conditioned. There is no reason to think the site cannot be adequately drained or that the development would harmfully increase run-off. Policies SP4 (water resources) and GP3 (Infrastructure) are met since sustainable drainage methods that reduce run-off on the site can be provided.

7.9.2 The site is outside a sewered area and the applicant proposes to install a package treatment plant to deal with foul water flows. Given the isolation of the site this is an appropriate response. Local policy seeks connection to mains sewerage as the most sustainable form of foul drainage but where this is not possible or highly impractical other methods are acceptable. Welsh Government Circular 008/2018 advises that where mains sewerage cannot be achieved that the next most sustainable and desirable method is use of a package sewage treatment plant. The package treatment plant will discharge to the Afon Llwyd with the quality of the outflow being controlled under other powers (CNC/NRW). As such the developer's foul drainage proposals are policy compliant and acceptable. Policy GP3 (Infrastructure) is complied with in relation to foul drainage.

7.9.3 Construction of the proposed drainage system will require works down to the river bank and may necessitate a certain amount of scrub clearance. There is otter interest on the Afon Llwyd but subject to a condition controlling how the vegetation is cleared and the works are finalised there is no reason to think that there would be any unacceptable harm to the otter interest.

## 7.10 Impact on bio-diversity

7.10.1 The site has a bio-diversity interest with parts of it being in the Afon Llwyd Grasslands SINC, other parts being subject to a Tree Protection Order and the Afon Llwyd itself is also a SINC although the development will not directly affect the river other than the proposed drainage ditch to the river.

7.10.2 The applicant has provided a report entitled 'Wildlife & Habitat Protection Plan' (January 2019). This considers the various habitats and species that are or are likely to be on the site and how any adverse impacts can be avoided or mitigated for during the development process and during future site maintenance. Risks identified are:

- Pollution of the Afon Llwyd via poor water quality / sediment – avoided by a suitable CEMP, a minimally 7m buffer strip from the river and use of sustainable drainage mechanisms to remove sediment and improve the water quality of site discharge.

- Avoidance of works in the most sensitive parts of the site – mature woodlands and within 7m of the river (other than the proposed drainage run to the river). Provision of exclusionary fencing as necessary.
- Bats – no removal of trees suitable as bat roosts, control over lighting to remain foraging and commuting routes. Provision of bat boxes. Subject to these controls impacts would be minimal.
- Otters – no works within 7m of the river, other than the drainage ditch.
- Reptiles – careful clearance of scrub, provision of a hibernaculum post development to compensate for lost habitat.
- Birds – no or supervised clearance during the breeding season, provision of nest boxes to replace lost nesting opportunities.
- Invasive Species - Himalayan Balsam will be prevented from further spread as will Japanese Knotweed.

7.10.3 The mitigation / compensation strategies listed above are further discussed in the applicant's 'Ecological Mitigation Strategy' (January 2019) which confirms the overall approach to protecting the site's ecological interest. The applicant has also identified various habitats in the site and identified an on-going management regime for those habitats in an Ecological Management Plan (January 2019). The provision of the mitigation / compensation and the future management can be secured under condition. In the light of this ecological impacts can be minimised, suitable mitigation and compensation assured as well as suitable environmental management going forward. Policy GP5 (natural environment) is complied with since the proposal has been designed and will be managed to minimise ecological impacts and to protect / promote bio-diversity in the future.

7.10.4 The Gwent Ornithological Society have identified the site's significant ecological value which is confirmed through the applicant's own survey effort. However the scheme has been designed to minimise impacts on the ecological valuable elements and where this cannot be avoided officers are satisfied that mitigation can be achieved through improved management practices within the SINC or by the provision of compensatory measures via a secured Ecological management Plan.

## 7.11 Flooding

7.11.1 The majority of the site including all of the accommodation lies in Zone A (no risk of flooding) as defined in the Welsh Government's Development Advice Maps. However parts of the concrete access track within the site and the lower part of Penrhos Drive lie within Zone C2 (undefended flood plain). The submitted Flood Consequences Assessment (FCA) confirms that the lower part of Penrhos Drive and some sections of the concrete access track would flood with the Afon Llwyd inundating these areas. The modelling considers various flooding scenarios but primarily the 1 in 100 year river flood, the same flood allowing for climate change (+25%) and the 1 in 1000 year flood (extreme event). The modelling showed that in the 1 in 100 year flood parts of Penrhos Drive would flood to 0.54m deep with a maximum velocity of 1.25 metres per second. Some sections would flood to the extent that danger for all could be anticipated. In terms of the concrete access track flooding would be less with danger for some in places. The proposed buildings would not flood.

7.11.2 Climate change will worsen the flood event with maximum depths increasing to 1.4m and a maximum velocity of 1.55 metres per second constituting danger for all within Penrhos Drive. Flooding within the concrete access track would remain limited with the risk being danger for some. In the extreme 1 in 1000 year event depths and velocities increase within Penrhos Drive to a maximum of 1.5m with a maximum velocity of 2.03 metres per second, again this would constitute danger for all over a significant length of Penrhos Drive. The concrete access track would still see only limited flooding but that would constitute danger for most. Even in the extreme event no accommodation would flood.

7.11.3 As for access and egress this would be significantly affected by a flood event. Although foot access out to the north of the site would remain available, vehicular access would be prevented by the depth and speed of floodwaters in Penrhos Drive. The Flood Consequences Assessment advises that it would take 15 hours for Penrhos Drive to become flood free in the 1 in 100 year flood event. In essence Page 37 within the development would be contained

for that period and would be unable to leave the site other than by foot and even in that case they would remain east of the Llwyd and cut-off from Caerleon and Ponthir. However the risk is mitigated because the accommodation is dry even in the extreme event, the containment is for a limited period, occupation may not be at 100% and CNC/NRW flood warnings are likely to allow early evacuation for those who are not prepared to endure the containment period or exit northwards on foot. CNC/NRW have not objected to the proposal and officers consider that the Policy harm in terms of flooding is very slight and should not be afforded much weight in the planning balance. The risk to property is none and the risk to life is negligible by reason of the accommodation and its environs being flood free, the containment period being limited and safe egress by foot being available beyond the flood outline.

## 7.12 Mineral Resources

7.12.1 The site is a dormant quarry which was previously used for clay extraction. Although there has been no clay extraction since the 1970s. The applicant's ownership also includes a contiguous area of land that has been subject to the 'Review of Mineral Planning Permissions' (ROMP) process. In ROMP areas mineral extraction can recommence subject to the application of a modern conditional regime. However the application site for the holiday accommodation lies outside of this ROMP area. Nevertheless Officers conclude the application site remains a quarry for planning purposes. It is clear that clay extraction was in place on the application site in 1948 when the planning regime was implemented and so even though outside of the ROMP area there can be little doubt that the site remains a quarry for planning purposes. In any event the ROMP areas which have seen some clay extraction historically (although other parts of the ROMP area remain undeveloped for minerals and are currently in agricultural use) would form a single planning unit alongside the older areas of quarrying that lie outside the ROMP.

7.12.2 Officers conclude the quarrying use has not been abandoned and could be resumed. The applicant has concluded that the demand for clay is low and the remaining resource is not economic which can be safely accepted given the long period under which there has been no extraction. The applicant has also considered the demand for shale as a low grade fill but does not see this as commercially viable either. As such the demand for the minerals that the site could produce are low and the likelihood of extraction recommencing is also low. However there is a mineral resource which can be lawfully extracted and it cannot be discounted that the mineral resources may become commercially viable in the future even if that currently looks improbable.

7.12.3 The site lies within areas identified within the adopted Newport Local Development Plan for the safeguarding of sand and gravel resources (the valley of the Afon Llwyd) and also areas of hard rock safeguarding. Policy M1 requires that such resources are protected for future extraction since they are spatially limited non-renewable resources. However the Policy does allow development in such areas where the development is temporary in nature and the future extraction of minerals would not be inhibited by the proposal. In this case the applicant is seeking permanent permission but the development proposal is light touch being for a small number of pre-fabricated structures that will not be permanently occupied. This gives scope in the future for the development to be removed and the mineral to be extracted at modest economic cost, this suggests that the development as proposed would not lead to permanent loss of the mineral resource in practical terms. Additionally the ROMP area which contains the bulk of the remaining mineral resource would be unaffected by the proposal which is located within the older parts of the quarry outside the ROMP area. Consequently the 'workable' mineral remains unaffected by this proposal.

7.12.4 Additionally Policy M1 allows development to proceed in mineral safeguarding areas in the event the resource cannot be economically extracted which appears to be the case here. In any case officers conclude the nature of the development would not lead to permanent and irredeemable sterilisation of the resource even should permission be granted. Policy M1 (mineral safeguarding) is complied with since the resource is not economic and because the development is not likely to lead to permanent sterilisation, particularly given that the ROMP area is unaffected by this proposal and it is this area that contains the bulk of the workable resource.

7.13.1 An Air Quality Management Area (AQMA) has been established along parts of the one way system in Caerleon and across the bridge into Bulmore; essentially where queuing traffic can be anticipated. The AQMA means that environmental standards have been exceeded. Planning Policy Wales Edition 10 (PPW10) is clear that statutory limits should not be seen as an acceptable maximum. It is therefore clear that no existing exceedance of statutory limits should be worsened and no development shall prejudice the aim of meeting target levels in the shortest possible time.

7.13.2 The applicant's Transport Statement (January 2019) considers the likely trip generation from the site. The TRICS database for holiday chalets / caravans confirms the main leave period is 10:00 and 11:00 on a Friday and the main arrival period is between 16:00 and 17:00 on a Friday. This would be outside the main AM peak which is 08:00 & 09:00. However it would be within the main PM peak which has been identified as 16:15 to 17:15 in Caerleon.

7.13.3 In terms of actual vehicle numbers the expected movements assuming all units are occupied are:

Generated Trips (vehicles) Friday		
Time Period	in	out
1000-1100	2.5	3.8
1600-1700	4.3	3.0

Fig 10 Hourly Vehicular Trips

In effect the vehicle loadings in the highway would be 6.3 additional vehicles in the morning and 7.3 in the afternoon. There are no issues in regard to the capacity of the local highway in terms of accommodating this number of vehicles.

7.13.4 However the issue that does arise is the potential impact on the AQMA. The application site lies within the 'buffer' area around the Caerleon AQMA. The 'Air Quality' Supplementary Planning Guidance advises that major developments within a buffer area should produce a detailed Air Quality Assessment to accompany their application. The applicant has not done this but the Transport Statement makes it clear that operational traffic from the site will be very low and peak vehicle numbers will be generated outside the AM peak but partially within the PM peak. As such there is a potential for vehicles associated with the use to add to the congestion during the PM peak and to add to the air quality issues that would arise from this. However the key will be to control the booking-in process and routing and timings during the construction process so as to reduce the impact on this sensitive PM peak when the worsening could occur at a time when the issues relating to air quality are at their worst. It is also possible that some of this traffic will not transit through the AQMA but in all likelihood most users of the site will pass through the AQMA on their way to or from the site or they will visit Caerleon and its attractions during their stay and will again transit through the AQMA. However if this is outside the sensitive peak periods then harm to air quality will be minimised.

7.13.5 Some negligible impact can be anticipated in an area already subject to exceedance of environmental standards. The applicant notes that visitors will not be entirely reliant on private motor vehicles. There is a bus service along Usk Road, the site is walkable from the centre of Caerleon via a continuous footway on a street lit road (950m from Pont Sadwrn to the Legionary Museum) and certainly within reach via bicycle. The applicant also points to scope to provide electrical charging points or access to electric vehicles as well as making sure that guests have access to the relevant information on walking routes into Caerleon and other more active or sustainable means of travel within the area. Clearly encouragement to use low emission vehicles or alternatives to the private car are possible and may well steer guests to use these transport forms. A scheme to encourage sustainable forms of travel during visits and the provision of electric charging points can be secured via condition. There

can be no certainty that general air pollution levels will fall via increased uptake in low emission vehicles and no traffic control measures are in place or planned which might lead to lower emissions within the AQMA. As such there is no evidence that the proposal will worsen air quality in the AQMA by anything other than a slight impact at worst. However officers conclude that the site and parts of the wider area could still be used to extract minerals and this presents a potential fallback use for the site. However it is acknowledged that the probability of this fallback being implemented is very low and it cannot be given much weight. However this consideration would somewhat mitigate the anticipated harm to air quality from the operational phase of the development.

7.13.6 The construction phase would require the site to be accessed by a variety of HGVs which can be especially problematical in the AQMA due to their large diesel engines, however the applicant notes that a CEMP can control routing and it is possible for vehicles to reach the site without passing through the AQMA. This is considered an appropriate control and would protect air quality in the AQMA from further degradation during the construction phase.

7.13.7 The Public Protection Manger does not object to the development and notes the opportunities to provide electrical charging points and to encourage the use of transport forms other than private motor vehicles powered by fossil fuels. Conditions can require the delivery of infrastructure and a 'Green Travel Plan'. However it cannot guarantee uptake and certain mitigation of air pollution and a Travel Plan cannot in itself make an unacceptable development acceptable. However the provision of these alternatives supports overall sustainability objectives and can be secured under condition. PPW10 advises that opportunities for people to make sustainable and healthy travel choices should be maximised and provision should be made to enable the uptake of low emission vehicles (electric cars). These opportunities can be secured by the application of suitable conditions.

7.14.7 Overall the proposal is expected to have a negligible or slight adverse impact on the Caerleon AQMA. Officers consider this weighs moderately against the development proposal.

#### 7.14 Control over phasing / delivery of the scheme (track & storage shed)

7.14.1 There is currently a concrete access track in place within the quarry site. This was built without planning permission and is subject to an enforcement notice requiring its removal. Under this application the track would be retained. As such there is a risk that if permission were granted then the applicant would simply retain the track and do nothing further thereby circumventing the enforcement notice and causing on-going and unjustified harm to the rural character of the area.

7.14.2 The applicant has agreed to enter a S106 agreement that will require the delivery of the scheme on a phased basis which is to be agreed as part of the S106 process. It is also considered necessary and reasonable to secure a 'restoration' scheme that would require the removal of the existing track via the same agreement in the event that the business fails. This would reduce the risk of the application merely being an attempt to retain the track by partial implementation of the permission.

7.14.3 Officers consider that a S106 agreement and conditions can protect the public interest in this instance. It is appropriate to require that the scheme is implemented on a phased basis in order to prevent potential abuse of the planning system and to justify the retention of the track with the safeguard that should the scheme not be implemented then the track shall be removed. Likewise the delivery of the storage shed can be tied to the provision of the accommodation and also controlled so that it may only be used in association with the approved scheme and for no other separate unrelated purposes.

7.14.4 It is also considered appropriate to require the removal of the scheme from the land in the event the business fails within a specified and meaningful period in order to protect the rural character of the site. Normally the requirement to remove permanent development would not be reasonable but in this case the 'light touch' nature of the development would allow site restoration to be completed since it would require the removal of modular structures, a steel frame portal building and the concrete track. None of this is considered unduly onerous for any landowner since it would not entail works beyond that required to remove a solar farm for example.

## 7.15 Residential Amenity

- 7.15.1 The key issues relating to residential amenity are the retention of the track (visual amenity) and the increased use of the track by the people visiting the development. Matters relating to the track and visual amenity have already been addressed earlier in this report. However there would be increased usage of the track and possible disturbance by the noise of passing vehicles and headlights at night-time. However the traffic generation from the site will be low and there is no reason to think the levels of disturbance would reach unacceptable levels.
- 7.15.2 Potential disturbance could arise from the main part of the accommodation in terms of lighting, noise and general comings and goings. However this part of the site is remote from the neighbouring houses and there is no direct line of sight. Controls will exist over lighting to protect bio-diversity interests and the numbers of guests will be small so the scope for disturbance would be very low and acceptable in the view of officers. Policy GP2 (amenity is complied with).

## 7.16 Planning Balance & conclusion

- 7.16.1 The proposal has significant merit in providing tourist accommodation of a sort not currently available within Newport and economic benefits to the wider economy. It has Policy support and will reuse a vacant quarry site with a project compatible with LDP policies related to the countryside. The proposal will have very limited impact on landscape character and visual amenity being located within a dormant quarry and having very limited inter-visibility with the wider area and with the public realm in particular. Impact on trees will also be limited with the retained woodland continuing to be protected by a Tree Protection Order. Drainage arrangements can be satisfactorily achieved. Satisfactory access can be achieved and the SINC interest (Afon Llwyd Grasslands) can be protected although the road widening will result in some physical loss from the meadow. However removal of invasive plants and appropriate management will mitigate for this loss and in all probability enhance the characteristics of the site.
- 7.16.2 Very limited loss of habitat in combination with controls over vegetation removal and lighting will protect bio-diversity interests and there is scope for enhancement within the site by provision of bird and bat boxes and hibernacula for reptiles / amphibians. The development will prevent future mineral extraction within part of the former quarry site (but not the approved extension area where the resource remains untapped) but there has been no mineral extraction from the rest of the site for almost 50 years and there is clearly limited or no demand for the resource. In the event this were to change the development is light touch and could be reversed relatively easily at low cost similar to a solar farm and so it is considered there would not be any irreversible sterilisation of what mineral resource remains on the site should the resource become economic to extract at some future point.
- 7.16.3 The development will generate minimal traffic in the operational phase and alternatives to the private motor car either exist or can be provided. However there can be no certainty these will be used so some very slight harm to the Caerleon AQMA can be expected, this is likely to be minimal given the expected traffic generation and controls over the construction process and the times available for booking-in but given the current exceedance of statutory limits any worsening is harmful and attracts moderate weight.
- 7.15.4 The benefits of the scheme are considered significant, boosting local tourism and filling a currently unoccupied niche in the accommodation market, economic development and the reuse of the site with a policy compliant scheme. These benefits are considered substantial and overall officers judge that the benefits of the scheme outweigh the identified harms and permission should be granted subject to conditions.

## 7.16 Section 106 Planning Obligation matters

- 7.16.1 Notwithstanding any highways infrastructure requirements, as long as there is a condition restricting the amount of time anyone can live there, there would be no S106 contribution requests.

## 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 Conditional planning permission should be granted subject to a S106 agreement.

## 10. RECOMMENDATION

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

Plans

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

- Drawing C2414-GA01 – Proposed Access Arrangements (07.01.2019)
- Un-numbered Drawing – Floor Plan of the Reception Building
- Drawing RAC/7988/2 B – Site Plan

- Drawing RAC/7988/3 – Track Cross-section
- Drawing 429/04 A – Development Masterplan
- Drawing RAC/7988/6 – Elevations Woodsman 2 bedroom, 1 bathroom lodge
- Drawing RAC/7988/7 – Elevations Woodsman 2 bedroom 2 bathroom Elite lodge
- Drawing RAC/7988/8 – Elevations Woodsman 3 bedroom 2 bathroom lodge
- Drawing RAC/7988/9 – Maintenance building
- Drawing C2414-SK02 – Proposed Widening to Access Road (Sheet 2 of 5)
- Drawing C2414-SK03 – Proposed Widening to Access Road (Sheet 3 of 5)
- Drawing C2414-SK04 – Proposed Widening to Access Road (Sheet 4 of 5)
- Drawing C2414-SK06 – Proposed Widening to Access Road (Sheet 5 of 5)
- Un-numbered drawing – Floorplans of The Ludlow, The Ithon & The Wellington Modulog Pod.
- Drawing RAC/7988/5 – Pod Elevations (The Ithon)
- Drawing showing footpath extension (09 May 2019)

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***

#### CEMP

02 No development, to include demolition, shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following during development:

- dust suppression measures, having regard to BRE guide 'control of dust from construction and demolition activities;
- noise mitigation measures;
- details of temporary lighting;
- details of enclosure of working areas;
- a drainage strategy to operate setting out controls of contamination, including controls to surface water runoff, water pumping, storage of fuels and hazardous materials, spill response plans and pollution control measures.
- pollution prevention and contingency measures.
- Provision of contractor parking
- Location of site offices, welfare facilities or any semi-permanent plant / building over 3m high such as cement silos
- Location of storage areas for plant, materials, stripped soils and waste
- Routing for construction vehicles and delivery times

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

**Reason:** to protect bio-diversity interests on the site and within the Afon Llwyd.

#### LEMP

03 Prior to the commencement of works on the site a scheme providing for the future management of the site and the provision of ecological mitigation to offset harm to ecological interests shall be provided in writing to the Council. The scheme shall set out objectives and timescales and a monitoring regime. Proposed measures shall consider mitigation relating to birds, bats, reptiles and amphibians and a management programme that maximises the ecological potential of the site in general terms. Set objectives shall be:

- Short-term (1-5 years)
- Mid-term (6-10 years)
- Long term (11 years plus)

Monitoring reports shall assess progress against stated objectives and shall be submitted to the Council to an agreed timescale. In the event the monitoring regime shows set objectives are not being achieved the scheme shall be revised with the revisions being submitted to and agreed in writing by the Council. Thereafter the revised scheme shall be implemented as agreed. The scheme shall be maintained for a period of 15 years following the implementation of the scheme.

Reason: to mitigate for loss of woodland, scrub clearance and increased levels of disturbance caused by the scheme.

#### Contamination

04 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.

#### Archaeology

05 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.

#### ***Pre – construction conditions***

##### Details of Bike Store & Reception Building

06 Prior to the installation of the bike store and the reception building details shall be provided of its external appearance. Following the Council's written approval of the details the store and reception building shall be installed as agreed.

Reason: to ensure the bicycle store and reception building are of an acceptable design and appearance.

##### SINC Mitigation / Compensation

07 Prior to the widening of Penrhos Drive a scheme providing for the removal of invasive plant species, pasture restoration and future management to enhance the nature conservation value of the area of the Afon Llwyd Grasslands identified as marshy grassland in the Ecological Mitigation Strategy (January 2019) shall be provided in writing to the Council. The scheme shall set out objectives and timescales and a monitoring regime. Set objectives shall be:

- Short-term (1-5 years)
- Mid-term (6-10 years)
- Long term (11 years plus)

Monitoring reports shall assess progress against stated objectives and shall be submitted to the Council to an agreed timesale. In the event the monitoring regime shows set objectives are not being achieved the scheme shall be revised with the revisions being submitted to and agreed in writing by the Council. Thereafter the revised scheme shall be implemented as agreed. The scheme shall be maintained for a period of 15 years following the implementation of the road widening in Penrhos Drive.

Reason: to mitigate for loss of part of the Afon Llwyd Grasslands SINC caused by the proposed road widening.

#### Tree Protection

08 No trees shall be removed until the applicant has submitted a tree protection plan, which shall show the precise location and specification of protective tree fencing and the areas of trees / scrub that are to be removed. The plan shall be submitted to and agreed in writing by the Council. Prior to works commencing on the site the fencing shall be installed as approved and shall be retained until works are completed within that phase of the development. No areas of trees or scrub shall be removed other than as identified in the plan. No vehicles shall be driven or parked, materials and waste stored, fires lit, fluids tipped other than in areas or corridors identified in the tree protection plan. These measures shall be retained for the duration of construction works on the site or any phase as appropriate.

Reason: to protect retained trees on the site in the interests of bio-diversity and the character and appearance of the area.

#### Lighting scheme

09 Prior to the installation of any external lighting on the site a scheme showing all external lighting to be installed shall be submitted to and approved in writing by the Council. The scheme shall show the specification of the lighting and its location and shall include a drawing showing the lighting levels that will be achieved. Following the Council's written approval the scheme shall be installed as agreed. No other external lighting shall be installed on the site.

Reason: to protect the bio-diversity interest of the site and rural character and appearance.

#### Details of paths and surfacing

10 No footpath, cycle path, parking area or other hardstanding (including gravelled surfaces) shall be installed until precise details of the location, materials and construction of those features have been submitted to and agreed in writing by the Council. Thereafter the works shall proceed as agreed.

Reason: to protect rural character and appearance.

#### Road widening & junction improvements:

11 The works to improve the junction between Penrhos Drive & the Usk Road and then the proposed widening of Penrhos Drive shall be carried out before any other works on the site. The visibility splays shown in Drawing C2414-GA01 – Proposed Access Arrangements shall be kept clear of any obstruction over 900mm high. The relocated gate pillars shall be installed before the first beneficial use of the widened junction. The scheme shall include details of how the existing Public Right of Way will be accommodated within the highway where relevant.

Reason: to ensure the site can be safely accessed from the earliest stage of the development and to maintain visibility at the junction.

#### Drainage

12 Prior to the commencement of development full details of the foul and surface water drainage systems shall be provided to the Council in writing including details of the package sewage treatment plant. Following the Council's written agreement the drainage shall be installed as agreed. No beneficial use of the site shall be made until the drainage arrangements are in place.

Reason: to ensure the site is adequately drained, to prevent flooding and to prevent pollution of the water environment.

#### Drainage ditch to river – method statement

13 Prior to the provision of the proposed drainage ditch from the site to the Afon Llwyd within 7m of the river; a detailed method statement addressing vegetation clearance and working methods to provide the ditch shall be provided in writing to the Council. The method statement shall clarify how disturbance to otters will be minimised. Following the Council's written agreement the works shall proceed in accordance with the method statement. No other works shall take place within 7m of the river.

Reason: to protect otters, a European Protected Species.

#### Provision of lodge and pod details

14 Prior to the installation of the Ludlow and Wellington Pods their heights shall be confirmed. Prior to the installation of any pod or lodge the developer shall confirm the

precise mix of Pods and lodges to be installed and their locations. Following the Council's written agreement the Pods and lodges shall be installed as agreed.

Reason: so there is a complete record of what is approved.

### ***Other conditions requiring information to be submitted***

Provision of hedgerow

15 Details of the location of, a planting specification for, and a management / maintenance regime for a replacement hedgerow along Penrhos Drive shall be provided in writing to the Council prior to the removal of the existing hedge. The details shall include a timescale for the planting and a maintenance regime for a period of 10 years which shall include contingency for replacement planting as necessary.

Reason: to reinstate a valuable landscape feature.

### ***Pre –occupation conditions***

Provision of access track upgrades including passing bays.

16 Prior to the first beneficial use of the site for the approved use the proposed passing bays shall be provided along the concrete access track.

Reason: to provide improved access and reduce traffic conflict.

Provision of car parking

17 There shall be no beneficial use of the site until the approved car park area has been provided. No guest vehicles shall be allowed to access the site north of the proposed northerly extension to the concrete access track shown in Drawing RAC/7988/2 B. Vehicles shall only park in the identified parking area.

Reason: to discourage indiscriminate parking that could damage retained vegetation and harm bio-diversity.

Provide and retain footpath extension

18 Prior to the first beneficial use of the site the proposed footpath extension along the side of Penrhos Drive shall be provided and retained thereafter. The footpath shall be kept available for use by the public at all times

Reason: to provide a traffic free route for pedestrians from the site to the Usk Road.

Active Travel (Travel Plan)

19 Prior to the first beneficial use of the site, a Green Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Travel Plan shall set out how sustainable and active travel will be encouraged at the site. The measures shall include measures to minimise users of the site transiting through the Caerleon Air Quality Management Area at peak times for traffic by controlling the times when guests can book-in. Thereafter the measures described shall be implemented as agreed .

Reason: In the interests of reducing the need to travel by car and encouraging use of alternative modes of transport.

### ***General conditions***

Use of the Storage Building

20 The approved storage building shall not be used other than in association with the use granted under this permission and shall not be provided until at least 15 units of accommodation are in place.

Reason: the building is justified as part of this scheme and a standalone use in this location would be detrimental to rural character and appearance.

No permanent occupation

21 No lodge or pod hereby approved shall be let to any individual or group for a continuous period exceeding 28 days in any calendar year. A complete record shall be kept of all persons or groups renting the holiday accommodation which shall include their name(s), length of rental period, accommodation rented and their primary addresses. The record shall be made available to the Council within 5 working days of any request to view the record. At no time shall the accommodation be used as a sole or primary residence by any individual or group.

Reason: the accommodation has been approved as holiday accommodation. Permanent residences in this location would be contrary to local and national policy and the relevant Section 106 obligations have not been met.

#### Works of vegetation clearance

22 During the construction phase works of vegetation clearance shall only be undertaken in the areas identified as cleared (red) or to be cleared (yellow hatching) in Drawing 429/07 – Scrub Clearance, or any additional areas identified in the Tree Protection Plan required under this conditional regime. Clearance shall be undertaken in accordance with the methodologies described at Appendix B of the Wildlife and Habitat Protection and Mitigation Plan (January 2019) and Paragraph 4.4 of the Breeding Bird Survey (September 2018).

Reason: to prevent unnecessary clearance of vegetation and to protect bio-diversity interests on the site (birds / reptiles / amphibians).

#### Charging Points

23 10% or more of the provided parking spaces shall be provided with electrical charging points suitable for charging electrically powered cars.

Reason: to reduce reliance on fossil fuel powered vehicles in the interests of sustainability and reduced air pollution and to comply with the advice of Planning Policy Wales Edition 10.

#### *NOTE TO APPLICANT*

01 The following non-conditioned plans were considered as part of this submission:

- Design & Access Statement
- Drawing C2414-SK01 – Overview Plan (1 of 5)
- Drawing RAC/PDC/005 – X Sections off Long Section 2, Penrhos Drive, Caerleon
- Drawing RAC/PDC/006 – X Sections off Long Section 2, Penrhos Drive, Caerleon
- Drawing RAC/PDC/007 – X Sections off Long Section 2, Penrhos Drive, Caerleon
- Drawing RAC/7988/1 B – Location Plan
- Extract from Modulog Brochure – Pod Details
- Letter from applicant dated 09 May 2019
- Visibility of the proposed maintenance building (10 April 2019)
- Maintenance Building floorspace justification
- Email from Ieuan Williams (24 April 2019, 21:14)
- Drawing 429/06 – SINC's
- Drawing 429/05 – Development Exclusion Zone
- Email from James Norvill (20 February 2019, 13:26)
- Otter Survey (January 2019)
- Land Registry; Title WA902234
- Dormouse Survey (January 2019)
- Ecological Assessment (January 2019)
- Sustainable Drainage Assessment (August 2016)
- Landscape Design Summary (January 2019)
- Breeding Bird Survey (September 2018)
- Penrhos Quarry FCA (January 2019)
- Otter Survey (January 2019)
- Penrhos Quarry Holiday Lodges Business plan
- Ecological Mitigation Strategy (January 2019)
- Great Crested Newt Survey (January 2019)
- Invertebrate Survey (January 2019)
- Phase 1 Habitat Survey (January 2019)
- Outline Arboricultural Impact Assessment & Method Statement (June 2018)
- Transport Statement (January 2019)
- Ecological Management Plan (January 2019)
- Trees & Bat Survey (January 2019)
- PAC Report (January 2019)

- DCWW Letter PPA0003573 (19 November 2018) & accompanying notes
- Ecological Technical note (11 January 2019)
- Foul Drainage Analysis (11 January 2019)
- Wildlife & Habitat Protection & Mitigation Plan (January 2019)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP5, SP9, SP19, SP21, GP1, GP2, GP3, GP4, GP5, GP6, GP7, CE8, T4, R8, CF8, M1 & W3 were relevant to the determination of this application.

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.

## LATE REPRESENTATIONS

### APPLICATION DETAILS

No: 19/0040 Ward: **CAERLEON**

Type: Full

Expiry Date: 06 June 2019

Applicant: **JAMES NORVILLE**

Site: **Former Penrhos Quarry, Usk Road, Caerleon, Newport**

Proposal: **CHANGE OF USE OF PART OF DISUSED QUARRY TO HOLIDAY PARK, INCLUDING THE SITING OF HOLIDAY LODGES AND PODS WITH IMPROVED ACCESS, PARKING FACILITIES AND MAINTENANCE BUILDING.**

### 1.0 LATE REPRESENTATIONS

#### 1.1 CADW

##### 1.1.1 CADW have responded to a consultation as follows:

*The impact of the proposed development on the above scheduled monuments (Penrhos Camp and the Caerleon SAMs) and their settings will be a material consideration in the determination of this application (see Planning Policy Wales 2018 section 6.1.23): However, as no information on this issue has been submitted with the application we are currently not in a position to provide your Authority with advice on this issue. Consequently we advise your Authority to request more details of the proposed development to be provided. This will require an assessment of the impact of the proposed development on the setting of the scheduled monument to be prepared in accordance with the methodology outlined in the Welsh Government's best-practice guidance Setting of Historic Assets in Wales (2017). Once this information has been submitted Cadw should be re-consulted on this application.*

1.1.2 The applicant has provided a brief Heritage Statement prepared by Herson Associates in relation to the impact on the setting of the Civil War Camp (MM011). This assessment concludes that there would be no impact by the proposal on the setting of the Camp.

1.1.3 Although the impact on the Roman sites in Caerleon itself has not been considered site visits confirm that the impact would be negligible to none due to separation, the low-lying nature of the site (valley of the Afon Llwyd) and dense intervening vegetation. Officers also

agree with the Heron Associates assessment in relation to the Civil War Camp since there is no or very limited inter-visibility between the application site and the Camp.

1.1.4 There is negligible or no impact upon the setting of the Civil War Camp and the Caerleon SAMs caused by this proposal.

## 1.2 HEAD OF STREETSCENE & CITY SERVICES (HIGHWAYS)

1.2.1 Comment as follows:

*Further to the highway consultation response of 4 April supplementary information has been submitted to address the highway safety concerns of the development proposal.*

*The proposed widening of Penrhos drive to 4.8 metres and the improvement works, including visibility splays, at the junction of Penrhos Drive with Usk Road are now acceptable.*

*However, matters of pedestrian safety remain outstanding. The previous highway consultation response stated that whilst the proposed widening of Penrhos Drive to 4.8 metres is acceptable in terms of capacity for vehicular traffic it will likely result in an increase in vehicle speeds to the detriment of pedestrian safety. No footway is proposed resulting in pedestrians having to walk within the live carriageway. It is for the applicant to account for pedestrian safety concerns and demonstrate adequate mitigation. The applicant is advised that for part of its length Penrhos Drive incorporates a public right of way. This right of way extends to Usk Road via an off-road section which is not suitable for all pedestrians. There is a footway on the south side of Usk Road, between Penrhos Drive and Caerleon. The proposed reconfigured junction of Penrhos Drive and Usk Road must include a safe pedestrian crossing point. The applicant has responded that traffic speeds will be strictly limited to 10mph with appropriate signage, and that the PROW will be extended and cleared of some vegetation.*

*Penrhos Drive is a private highway. As such any proposed speed limit must be subject to a Traffic Regulation Order (TRO) the administrative process of which is subject to defeat. A TRO cannot therefore be guaranteed. In any event the lowest speed limit that could be imposed is 20mph. However, a signed speed limit alone would not serve to restrict vehicle speeds and physical traffic calming measures would be required. Such measures would require street lighting. No physical traffic calming nor street lighting is proposed. The PROW is not suitable for all pedestrian traffic, including disabled users, and this unsuitability would be exacerbated during periods of adverse weather. National and local policies place pedestrians at the top of the movement hierarchy and the Equalities Act 2010 requires consideration of the needs of disabled users. No safe pedestrian crossing point across Usk Road at the Penrhos Drive junction has been proposed. Unsafe and inadequate pedestrian facilities would also be likely to result in the use of the site being car dominant with consequential congestion and air quality issues arising.*

*It is concluded that the application fails to address pedestrian safety along Penrhos Drive and across Usk Road and therefore it should be refused.*

1.2.2 Under the current situation Penrhos lane is used by pedestrians and there is no separate footway or streetlighting. For a short section of approximately 60m, Public Right of Way 389/33/1 runs along the lane before diverging off towards the river and connecting with Usk Road just east of Pont Sadwrn. The path is currently difficult to use due to invasive and tall vegetation along the river bank (Japanese knotweed) meaning most pedestrians will use the lane and not the public right of way. Under the current arrangement the road is very narrow and pedestrians would have to stand in the verge to let vehicles get past. Under the proposal the lane will be widened to allow vehicles to pass one another but this will also provide more room for other users in the lane. The lane will remain a cul de sac and will still be a 'lightly trafficked lane in a rural area' (Manual for Streets) where road users will anticipate walkers, cyclists and horse-riders. Forward visibility will remain limited and there is no reason to think any increase in road speeds and number of users will be excessive or dangerous to other users of the lane who are on foot, bicycle or horse back.

1.2.3 Officers consider that the lane can safely function as a 'shared surface'. However if members disagree then other than the 60m stretch where the PRow is part of the lane an alternative route could be available to walkers. Although currently difficult to use, should the application proceed then the works to enhance the Afon Llwyd Grasslands SINC would see the removal of the knotweed and the path being opened up for use. Potentially a condition can require improvement in the surface of the path but Officer's would not wish to see an over-engineered solution on a rural footway. As for the shared section a condition could require details of how a protected area can be provided within the widened road should members consider that to be necessary. However officers conclude that the lane can continue to operate safely for pedestrians as it does currently after the proposal is implemented without the need for any additional provision.

1.3 Councillor Giles

1.3.1 The Councillor requests that the Committee consider visiting the site to assess the potential impact on neighbours and in the event that the Committee is minded to grant permission that a condition requiring an overnight management plan for the site (when reception will not be staffed) is applied in order to address issues of anti-social behaviour or other eventualities that may arise.

1.4 Ieuan Williams (Agent)

1.4.1 Confirms that his client is prepared to enter into a S106 agreement that:

- Requires the implementation of the full scheme to an agreed time scale, provisionally three years,
- Requires the removal of the scheme including the track should the business cease to operate within an agreed period, provisionally within 5 years of the full implementation of the permission. i.e. should the business cease to trade within that 5 year period full removal of the above ground elements of the scheme, including the track would be required.

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

2.1 Officers agree that the impact of the proposal upon the Scheduled Monuments within the vicinity of the site would be negligible to none.

2.2 Officers conclude that the proposed revised access would not be materially worsen highway safety for non-motorised users of Penrhos lane and in the event it was considered that there was a worsening then that could be addressed by conditions.

2.3 The comments of Councillor Giles are noted.

2.4 Officers welcome the agent's confirmation that S106 control over the delivery of the scheme and its potential removal are acceptable to the applicant. This gives further confidence that a harmful part implementation of the scheme can be avoided.

## **3. OFFICER RECOMMENDATION**

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

**APPLICATION DETAILS**

<b>No:</b>	<b>18/0802</b>	<b>Ward: VICTORIA</b>
<b>Type:</b>	<b>FULL</b>	
<b>Expiry Date:</b>	<b>07 February 2019</b>	
<b>Applicant:</b>	<b>M. NAZIR</b>	
<b>Site:</b>	<b>CROWN BUILDINGS, CHEPSTOW ROAD, NEWPORT NP19 8WA</b>	
<b>Proposal:</b>	<b>CONVERSION OF OFFICE BUILDING TO 56NO. FLATS, PROVISION OF ROOF-TOP GARDEN AND USE OF GROUND FLOOR FOR ANCILLARY GYMNASIUM AND STORAGE AREA</b>	

**Recommendation: Granted with Conditions****1. INTRODUCTION**

- 1.1 The applicant is seeking to convert an existing office building to residential use on floors 1 – 8 with the ground floor being used to provide a private gymnasium for the use of residents and a communal storage area. The existing service and access arrangements will be retained and 60no. parking spaces will be provided. The exterior of the building will remain unaltered with works taking place internally to provide 56 flats. There would be 44 one bed flats and 12 two bed flats. Typically the flats will consist of one or two double bedrooms, a bathroom, a kitchen diner and a small store cupboard. A rooftop garden will be provided on the fifth floor measuring 236m<sup>2</sup>.

**2. RELEVANT SITE HISTORY**

<b>Ref. No.</b>	<b>Description</b>	<b>Decision &amp; Date</b>
<b>94/0491</b>	<b>EXTERNAL ALTERATIONS AND REFURBISHMENT</b>	<b>No objections</b>
<b>03/1043</b>	<b>ERECTION OF 1NO. PRE-CAST CONCRETE GARAGE TO HOUSE POOL CARS</b>	<b>GC</b>
<b>18/0971</b>	<b>CHANGE OF USE FROM OFFICES (B1 USE) TO HOTEL (C1 USE) AND FIFTH FLOOR EXTENSION TO CREATE RESTAURANT</b>	<b>GC 24 January 2019</b>

**3. POLICY CONTEXT**

- 3.1 The following Policies of the adopted Newport Local Development Plan (2011-2026) are considered relevant:
- 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 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.
  - GP2 – General Amenity 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 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 T4 Parking states that development will be expected to provide appropriate levels of parking. 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 Adopted Supplementary Planning Guidance:

- Parking Standards
- New Dwellings
- Air Quality
- Planning Obligations
- Affordable Housing
- Flat Conversions

### 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.

#### *Previously Developed Land*

Paragraph 3.51: Previously developed (also referred to as brownfield) land 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.

#### *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 4.1.28: 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 4.1.30: 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.

#### *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.

#### *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, wellbeing 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.

#### *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 WALES & WEST UTILITIES: Notify of equipment in the area and safe working practices.

## 4.2 CYFOETH NATURIOL CYMRU / NATURAL RESOURCES WALES (CNC/NRW):

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements. We would object if the scheme does not meet these requirements.

**Requirement:** A revised Flood Consequences Assessment (FCA) is submitted which demonstrates that the risks and consequences of flooding can be managed/designed to an acceptable level in accordance with TAN15.

We have previously provided statutory pre-application advice to this application on the 9th July 2018 (our reference CAS-64054-P6F4) where we provided advice regarding Flood Risk at this site. We have reviewed the submitted Flood Consequences Assessment and note that the same information has been provided for this consultation as the statutory preapplication. Therefore, in line with our previous advice we advise the following requirement:

### **Previous Advice provided to the Pre-application Consultation (PAC)**

**Flood Risk:** The proposed development 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). Our Flood Map, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, which is a designated main river.

Your proposal involves the change of use from office (B1) use to residential (C3) use. TAN15 considers this a change in vulnerability from less vulnerable development to highly vulnerable development. Highly vulnerable development is described as development where the ability of occupants to decide on whether they wish to accept the risks to life and property associated with flooding or be able to manage the consequences of such a risk, is limited.

We acknowledge there are no flats proposed on the ground floor, which will be used for storage, cycle store, boiler room, lobby and a resident only gym, amongst other uses. We note the proposal includes car parking associated with the proposed dwellings. Our view is the proposed development including the ground floor and car parking should be considered as new highly vulnerable development and should therefore meet the criteria of TAN15.

Therefore, based on the submitted FCA (prepared by Waterman Infrastructure & Environment Limited, dated 08/06/2018) the proposal does not meet TAN15 criteria for the following reasons:

A1.14 criteria; based on an internal ground floor level of 7.45m AOD the ground floor is predicted to flood to a depth of 1.2m AOD during the 0.5% plus climate change allowance up to year 2115 (CCA). The associated car parking is also predicted to flood to depths between 1.3m – 1.7m based on external site levels ranging between 6.95m AOD and 7.35m AOD. On this basis we do not consider criteria A1.14 has been met. We note the proposed flats on the first floor are set at a level of 11.3m AOD which is 2.65m above the predicted flood level, and therefore predicted to remain flood free in this event. Our advice to the planning authority will be based on the entire proposal including the ground floor and external parking areas. We appreciate this application is constrained due to the change of use nature. However, our role is limited to providing the planning authority with technical flood risk advice on the consequences of flooding.

A1.15 criteria; the extreme 0.1% CCA event should be assessed against the criteria set out in A1.15, which provides indicative guidance on what is considered tolerable for residential development. Although the ground floor is predicted to flood to a depth of 2.24m AOD in this event, the habitable rooms (i.e. the proposed flats) on the first floor are predicted to be flood free and therefore meets the guidance in A1.15.

Regarding the access into the site, the FCA states there are no safe emergency access routes from the site, with all routes predicted to flood greater than 2m in the extreme 0.1% CCA event. Therefore, the access for the site does not meet the guidance in A1.15. The FCA

has not provided any assessment of the other criteria of A1.15 of TAN15 including rate of rise, speed of inundation and velocities. In terms of A1.15 acceptability, it is for the planning authority (in consultation with other appropriate bodies) to be satisfied on the operational effectiveness of emergency plans and procedures or measures to address structural damage that may result from flooding.

We do not normally comment on or approve the adequacy of flood emergency response and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Other relevant TAN15 criteria; we note the recommendation for all residents to sign up to the NRW Flood Warning System and that a Flood Evacuation Plan is to be drawn up. We confirm we offer a flood warning service in the area. You may wish to consult other professional advisors on the flood evacuation plan.

In summary, the submitted FCA does not demonstrate the potential consequences of flooding can be designed to be managed in line with TAN15 criteria as above. We recommend discussing your proposals with the planning authority as ultimately it is for them to be satisfied a proposal is justified and the consequences of flooding are acceptable.

- 4.3 DWR CYMRU / WELSH WATER (DCWW): No objection but advise that connection of new foul drainage should be at a particular location. There are no issues in relation to providing a water supply or in terms capacity at local wastewater treatment works.
- 4.4 CADW: The building that is the subject of this application is located some 400m east of scheduled monument Newport Castle (MM009), a thirteenth century stone built castle constructed to control the crossing of the River Usk by the main road along the South Wales coast. The proposed development is located to the east of the castle across the bridge and on the original route of the coast road. It is therefore in one of the identified significant views from the castle, but this view is blocked by the high rise buildings of Clarence House and its' associated multi storey car park on the east side of the river bank. Consequently, it is our opinion that the proposed development will have no effect on the setting of scheduled monument MM009.
- 4.5 CSP PLANT – Report that they have no equipment in the area.

## **5. INTERNAL COUNCIL ADVICE**

- 5.1 HEAD OF STREETSCENE & CITY SERVICES (HIGHWAYS): No comments received.
- 5.2 HEAD OF STREETSCENE & CITY SERVICES (WASTE): Provides a summary of their requirements and raises concerns about the space available for the storage of bins and recycling and further notes that the bin wagon will not enter the site if it is private and that a drag distance to the highway of more than 10m is not acceptable.
- 5.3 HEAD OF REGENERATION, INVESTMENT & HOUSING (PLANNING POLICY): The proposed residential conversion of this building is considered to offer significant regeneration benefits to an area that is in need of investment and improvement. There is policy support for such proposals, particularly those that enhance the vitality and viability of Clarence Place and offer regeneration benefits to what is considered to be a key gateway into the city centre. The suggested scheme would bring into use a long term vacant unit that is positioned in a prominent gateway location. There are no planning policy objections to the proposed change of use subject to satisfactory comments from the relevant consultees.
- 5.4 HEAD OF REGENERATION, INVESTMENT & HOUSING (HOUSING MANAGER): the size of the units proposed at this development is a concern and I feel that they are not compliant with Welsh Government standards for affordable housing. It is acknowledged that this is often difficult when converting an existing building. In the circumstances I would therefore request a commuted sum for the provision of affordable housing, the mechanism for calculating this contribution is to be advised by Planning Policy colleagues.

- 5.5 PUBLIC PROTECTION MANAGER (SCIENTIFIC OFFICER): Having reviewed the above application I have the following comments:

### **Air Quality / Sustainable Travel**

The proposed development is near an air quality management area and within air quality planning buffer. However, the car park is of similar size to that of the previous use – there will no net change in road traffic generation, therefore under Newport's Air Quality SPG the development would be acceptable providing the following:

1. Condition: To encourage the use of low / zero emission vehicles I recommend the permission is granted under the condition at least 10% of the parking spaces are installed with electric vehicle charging points.
2. Advisory: The developer could consider incorporating a vehicle hire scheme into the development.
3. Advisory: I recommend the Active Travel Projects Officer is consulted on this application regarding pedestrian & cycle routes / storage.

From the latest air quality monitoring data - the Crown building is sufficiently set back from the road to allow dispersion of emissions. It is considered unlikely the future site users will be exposed to air pollution that breaches the air quality objectives for nitrogen dioxide. An air quality assessment is not required.

### **Contaminated Land**

The proposed development will not incorporate any significant level of ground works – therefore a contaminated land risk assessment is not required.

## **6. REPRESENTATIONS**

- 6.1 NEIGHBOURS:  
All properties within 50m of the application site were consulted (66 properties), a site notice was displayed. No representations were received.

## **7. ASSESSMENT**

### **7.1 The Site**

The site measures 0.3Ha in size and is located in the junction of Chepstow Road and Caerleon Road on the edge of Clarence Place. The building is a 1960s era office block clad in cream coloured material with blue glass windows. The main part of the building is 8 storeys high and there is a rear annex of 4 storeys. There is a limited curtilage which currently provides parking and refuse storage. The site has entrances on Chepstow Road and Caerleon Road. The following constraints / designations apply:

- The site is wholly within the defined settlement boundary.
- The site is considered to meet the definition of previously developed land set out in PPW10.
- C1 Flood Risk Zone (defended floodplain).
- The application site adjoins Clarence Place Local Centre.
- The site adjoins the Caerleon Road Air Quality Management Area and is within the associated Air Quality Buffer Zone.
- The site is in Parking Zone 4.

### **7.2 The Proposal**

- 7.2.1 As described in Paragraph 1.1.

### **7.3 Key Issues**

- 7.3.1 The key issues relevant to the determination of this application are:
- The principle of development / Loss of Employment Land
  - Car Parking Provision & Servicing Arrangements

- Amenity of future residents – outdoor space and size of flats
- Air Quality in Caerleon Road
- Flooding
- Regeneration Benefits
- Noise

#### 7.4 Principle of Development / Loss of Employment Land

7.4.1 The site is currently in use as an office building (Use Class B1) and is an employment site. The proposal would see it change to residential use (Use Class C3). Since the site lies within the urban area the principle of residential development is acceptable. However Policy EM3 of the adopted Newport Local Development Plan (2011-2026) protects employment sites from loss unless it can be shown there is no demand for the site in its existing use, there will remain a suitable range and choice of sites for employers to occupy, the proposal will not adversely impact on the usability of existing or allocated employment sites and that there will be no generally unacceptable impact on amenity.

7.4.2 The applicant has submitted information in relation to the marketing of the building which is currently vacant. The building was partly vacated when Her Majesty's Revenue and Customs (HMRC) ceased occupation in December 2011 and then the whole building from September 2015 when the Valuation Office ceased to occupy the second floor. Marketing was conventional being carried out by well known agents in the commercial property market (Savills & Parrys) and the asked for rent was appropriate to the condition and location of the building. Savills report interested parties tended to choose the nearby Clarence House over Crown Buildings due to the superior condition of that building. Savills also note stronger demand for out of town office space at Cleppa Park, Imperial Park and Celtic Springs. Savills also note proposed developments on the edge of the City centre would meet much of the existing demand for office space in the City. They conclude demand for offices in the City centre is low and that Crown Buildings is not attractive due to its overall poor condition.

7.4.3 Policy EM3 requires that the site has been marketed unsuccessfully for 12 months. That is clearly the case here where marketing at significantly reduced rent has not attracted any tenants. The marketing report contrasts Crown Buildings unfavourably with nearby Clarence House which is in better condition. However that building also has unlet elements, this shows what demand exists for office accommodation at that grade in this part of the city is low and can be met even if Crown Buildings is lost from employment use. An appropriate range and choice of office space would remain available within the city if Crown Buildings were to be lost to employment uses. Residential use in the building would not have an adverse impact on any existing or allocated employment sites and there would be no adverse impact on amenity or the environment. Policy EM3 is complied with.

#### 7.5 Car Parking Provision & Servicing Arrangements

7.5.1 The proposal would include 60 on-site parking spaces which would include 2 disabled spaces and an existing double garage. The applicant assesses the parking demand on the site to be as follows:

	Proposal		Sustainability Reduction	Existing Use		Sustainability Reduction
	Provided	Required	Required	Provided	Required	Required
Offices	-	-	-	59	80	56
Residents	60	68	56	-	-	-
Visitors	-	11	11	-	-	-
Total	60	79	67	59	80	56

Officers accept that the site is highly sustainable and that an appropriate reduction in parking provision can be applied. In this case the proposal would still be deficient by 7 spaces primarily because the sustainability reduction is not specifically applied to visitor spaces since they by definition are visiting this specific site which means the location is a specific destination for visitors. The applicant has considered the existing use and concluded that there was a shortfall in provision over what was needed under the existing use. However this

was not the case since they had failed to apply the sustainability reduction to the office use. When this is factored in there is an over-provision of parking at the site for the existing use by 3 spaces.

- 7.5.2 As such the proposal is deficient in parking by 7 spaces but it is clear that all 56 flats could have an allocation of one space each leaving 4 spaces for visitors to use. Although the 'Parking' SPG makes no allowance for reducing the number of visitor spaces it should be acknowledged that this site is highly sustainable and visitors could use public transport to access the site. The site is on two major roads in east Newport, Chepstow Road and Caerleon Road and is approximately 550m from the City centre bus station. On-road parking on the site is very restricted with double yellow lines along both Chepstow Road and Caerleon Road, although some informal parking appears to take place within Sheaf Lane at the rear of the building which is adopted highway. Pay car parks are available at Clarence Place 200m away and Maindee 550m away. As such the deficiency in visitor spaces is not seen as particularly harmful due to the availability of alternatives to the private motor car or alternative parking arrangements outside of the site. In strict terms the parking provision for cars is not policy compliant but the harm is slight and does not attract much weight.
- 7.5.3 The applicant has undertaken a tracking exercise for a bin wagon and shown that such a vehicle can enter and leave the site in a forward gear from the existing entrance on Chepstow Road. The Waste Manager has pointed out that the bin wagon will not enter private property but that section is currently working on a process of indemnification which will allow the wagon to enter private land including unadopted streets in the future although that process is not currently in place and there is no guarantee private owners will agree in any event. The concern is that should the wagon stop in the highway then the bins will need to be dragged to the road and the distance involved is greater than 10m which does not meet that section's guidelines. They also raise concerns that the proposed bin store will be too small to house the relevant bins and recycling facilities. However in the event that the wagon does not enter the site part of the manoeuvring area for the wagon could be given over to holding the bins and this area would be within the required drag distance. As for the proposed bin store which would be the retention of the old bin store for the offices there is scope for adjustments to increase its size if required. Consequently the concerns of the Waste Manager can be overcome subject a condition requiring further details of the waste management arrangements. Policy W3 (Waste Storage Provisions) can be met subject to the application of a suitable condition.
- 7.5.4 The applicant has made provision for motorcycle parking close to the building in an area that is undercover where the first floor extends out over the ground floor structure. It is not clear how these areas will be secured given they are away from the main entrance and could be obscured by parked vehicles. However it is clear that anti-theft measures could be installed (hoops or even a cage) and this can be secured under condition. An internal cycle store is shown which would provide secure storage for bicycles. Two disabled spaces are provided which meets the SPG requirement and these are located close to the entrance lobby with level access.
- 7.5.5 Other than the provision of all of the required visitor spaces the proposal is considered to comply with Policy GP4 (Highways & Accessibility). The harm attached to the shortfall in visitor spaces is considered slight due to the highly sustainable location of the site. It should also be noted that there is a permission in place for a hotel use of the building and that this was deficient by 30 car parking spaces. As such the deficiency in this scheme is not so severe. In the case of the hotel scheme the sustainability of the site was also acknowledged as well as the economic benefits of the proposed use. This was considered to outweigh concerns over the parking deficiency that was identified.

7.6 Amenity of future residents – outdoor space and size of flats

- 7.6.1 The 'Flat Conversions' SPG requires that converted flats should have gross internal floor spaces as follows:

Converted flat	Gross Internal Floor Area (m <sup>2</sup> )	Outdoor Amenity Space
1 bed	45	Outdoor amenity space, whether a back garden or a

2 bed	60	patio, should be made available to the occupants of a converted flat wherever the opportunity exists.
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7.6.2 All of the flats meet the required floor areas listed above and the residents will have access to a roof top garden which will provide an outdoor area for people to use. Two flats, Numbers 41 and 37 will have bedrooms that are immediately adjacent to this outdoor area but flatting living requires a degree of communality and the garden will be under the control of the building's owner who will be able to manage the site appropriately. There is no reason to think the rooftop garden would cause an unacceptable degree of harm to the occupants of those two flats given the scope for direct control over the use of this area by the owner / occupants. The flats are considered to provide an acceptable level of amenity to future occupants. In terms of neighbouring occupiers the building is set well away from neighbours with the nearest dwellings being on the opposites sides of both Chepstow and Caerleon Roads. The proposal will not add to any inter-visibility already experienced and there would be no worsening in the amenity of neighbours. Policy GP2 (General Amenity) is met.

## 7.7 Air Quality in Caerleon Road

7.7.1 The site is immediately adjacent to the Chepstow road / Caerleon Road / Clarence Place Air Quality Management Area (AQMA). In such areas statutory limits on air quality are exceeded. Planning Policy Wales Edition 10 (PPW10) makes it clear that such limits are not the minimum standards acceptable and developments should not significantly worsen air quality in any location particularly in regard to Nitrogen dioxide; *'It is desirable to keep levels of pollution as low as possible'* (Paragraph 6.7.2).

7.7.2 The 'Air Quality' SPG requires that major developments within the buffer zone of an AQMA should undertake a 'simple air quality assessment' to assess the likely effect of the proposal on local air quality. The application site is within the buffer zone of the AQMA but there is no possibility of accessing the site other than through the AQMA. As such some impact on the AQMA can be expected. The applicant has provided an Air Quality Assessment prepared by the Waterman Group, the document is dated June 2018 but is considered to be sufficiently up to date.

7.7.3 The Assessment concludes the development would have a negligible impact on air quality within the area even if there is no general improvement in air quality between 2016 (the base year) and 2019 (the end point of the model). Some very slight worsening was modelled at some nearby receptors (dwellings) but within the site air quality objectives were met meaning there would be no unacceptably adverse impacts on the occupants of the flats. The Assessment noted the risk of dust to air quality during construction but noted that the conditional regime could ensure good practice on the site which would significantly reduce dust emissions during building work. In this case the works are of conversion and issues arising from bare ground will not come into play.

7.7.4 The Air Quality Assessment makes it clear that the traffic generation used in the model was based on the Transport Statement submitted with the application; but it is not clear if this discounted the existing traffic flows from the site as an office or considered the scheme as 'new' development without considering the existing flows.

7.7.5 The Transport Statement concluded the following vehicular trips would arise at peak times:

	AM Peak 08:00-09:00		PM Peak 17:00-18:00	
	In	out	In	out
Office	33	4	3	30
Flats	3	12	10	5
Difference	-30	+8	+7	-25
Aggregate Difference	-22		-18	

In effect the traffic generation from the site at peak times would be less than from the office use, although greater levels of movement might be expected during the day from the flats than the offices and there would clearly be greater levels of movement at weekends,

particularly Sundays when the offices could be expected to be closed. However in general terms the traffic generation from the scheme at the time of peak traffic and therefore peak queuing traffic when pollution tends to be maximised would be less than the office use.

7.7.6 In the light of this and the conclusions of the Air Quality Assessment it is concluded that the impacts on the Air Quality Management Area would be negligible as shown in the Air Quality Assessment and potentially very slightly beneficial given the likely reduction in vehicle movements at peak times as demonstrated in the Transport Statement. Additionally the provision of bike storage and a Travel Plan can be conditioned both of which could, but would not certainly provide slight benefits in air quality terms.

## 7.8 Flooding

7.8.1 The site lies within the defended flood plain of the River Usk, Zone C1 of the Welsh Government's Development Advice Maps. As such the site is vulnerable to tidal flooding. National advice; Technical Advice Note 15 – Flooding (TAN 15) requires such sites to be dry in the event of a 1 in 200 year tidal flood over the lifetime of the development which would be 100 years. This should allow for sea level rises resultant from climate change. In terms of the extreme event of a 1 in 1000 year tidal flood TAN 15 sets out acceptable depths of flooding, velocity of flood waters, rate of rise and speed of inundation.

7.8.2 Cyfoeth Naturiol Cymru / Natural Resources Wales (CNC/NRW) advise that the site fails the TAN 15 tests. The building and its curtilage will flood in the 1 in 200 year flood event within the lifetime of the development to significant depths; 1.2m within the building and between 1.3 and 1.7m in the car park. For the extreme event the flooding within the building will reach 2.24m and access routes beyond the site will flood to depths of over 2.0m. Information on speed of floodwaters, the rate of rise of the waters and the speed of inundation are not provided. However it is clear that the site cannot meet the TAN 15 requirements in relation to flooding on the site and the availability of emergency routes off the site. Although not explicit in the FCA it appears that the site would be flood free up to 2090 in the 1 in 200 defended flood i.e. for 75% of the scheme's lifetime.

7.8.3 In terms of the specific TAN 15 Tests the following judgement can be made:

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.

7.8.4 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. The site is 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. It concurs with the aims of PPW and meets the definition of previously developed land.

## 7.8.5 Tests 2 to 12 – Consequences of Flooding

**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 has not objected to the development on the basis of inadequate flood defences.

**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 defence works proposed as part of the development.

**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 and a condition requiring compliance with an agreed flood evacuation plan.

**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 and the applicant can be advised to sign up to the flood warning mechanism and has committed to doing so in their submitted Flood Consequences Assessment.

**Escape/evacuation routes are shown by the developer to be operational under all conditions**

Regarding the access into the site, the FCA states there are no safe emergency access routes from the site, with all routes predicted to flood to greater than 2m in the extreme 0.1% CCA event. Therefore, the access for the site does not meet the guidance in A1.15.

The FCA has not provided any assessment of the other criteria of A1.15 of TAN15 including rate of rise, speed of inundation and velocities. In this case if residents/users remain on site they could not reasonably escape but would have to retreat to upper floors of buildings and would be contained for the duration of the tidal flood. The applicant anticipates that the routes would become available as the tide falls, they estimate that would take 6 hours.

**Flood emergency plans and procedures produced by the developer must be in place**  
CNC/NRW advise that in terms of A1.15 acceptability, it is for the planning authority (in consultation with other appropriate bodies) to be satisfied on the operational effectiveness of emergency plans and procedures or measures to address structural damage that may result from flooding.

CNC/NRW do not normally comment on or approve the adequacy of flood emergency responses and procedures accompanying development proposals, since they do not carry out these roles during a flood. CNC/NRW involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Any emergency plan formulated by the applicant is likely to employ logical procedures and management in the event of flood warnings but the effectiveness of these procedures, notably in the evacuation of people off site is largely reliant upon the effectiveness of NRW processes and civil contingency arrangements in the event of a flood. Such matters are outside the control of the Planning Authority.

**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 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 building would be flood free to a 75 lifetime of development in the 1 in 200 year tidal flood event. Ground floor chattels could be evacuated to either locations off site (if suitable warning is received) or to common areas of the upper floors of the building. In terms of the storage area for residents on the ground floor, goods could be moved to the upstairs flats dependent on their ease of movement. It should be borne in mind that the flats will be

flood free in any flood event modelled. Vehicles can be moved from the car park given sufficient warning.

**No flooding elsewhere.**

NRW do not object to the development on this basis. There would be no increase in floor area or any displacement of additional floodwaters under this proposal.

**Paragraph A1.14 of TAN 15 identifies that the development should be designed to be flood free for the lifetime (A1.15) 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.**

The predicted flood level for the 0.5% plus climate change flood event (2093) is 8.65m AOD in the defended flood scenario (median values). The proposed finished floor level will be 7.45m AOD. The site will flood to 1.2m within its lifetime and does not accord with this requirement. The site is not at risk of fluvial flooding and therefore the 1 in 100 year flood event is not relevant.

In terms of access and egress the maximum depth of flooding for the site will be 0.37m in 2090 and 1.64m in 2115. Using the recommendations for the extreme event these routes would not be operational.

**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 property would not flood in the extreme flood event in 2015, assuming the existing defences are not breached. The modelling shows the building flooding to 0.91m depth in 2090 and to 2.24m by 2115. Depths in the curtilage would be up to a maximum of 1.41m in 2090 and 2.72m by 2115. This significantly exceeds the TAN15 recommendation of 0.6m maximum flood depth. The modelling for the defended scenario (median confidence limits) also gives maximum water velocities at 1.19 metres per second and 1.45 metres per second for 2090 and 2115 respectively. It is not clear if this is inside or outside the building (but presumably outside) where the maximum recommended velocity is 0.3 metres per second on accesses to the site. In both the 2019 and 2015 extreme event that recommendation is significantly exceeded. TAN 15 recommendations are not met within the building or across the wider site during the extreme event. Flood depths and velocities would result in 'hazard for all'.

- 7.8.6 However notwithstanding the failure to meet the recommendations of TAN 15 the flats themselves will be dry and occupants will have a safe refuge for the duration of a flood event. The flood event will be a predictable tidal flood and occupants should have reasonable prior warning and would be able to take measures to remove vulnerable property from the ground floor, motor vehicles for example. The risk to life would be low since the flats would provide a place of refuge although there would be a residual risk of someone experiencing an emergency during the period of containment who could not then be reached. This risk is considered to be low. Likewise the waters will begin to recede as the tide drops and evacuation will become possible. Overall the risk to life and property is considered manageable but it is acknowledged that the flats may be uninhabitable for some time after a flood whilst cleansing, repair and restoration of services is completed on the ground floor and across the wider city. It should also be considered that planning permission for the use of the building as a hotel is in place where in effect the same risk accrues to any resident persons at the time of a flood. As such the risk of flooding is not entirely mitigated but is significantly reduced. Policy SP4 (Flood Risk) is not complied with since the requirements of TAN 15 are not met on this site. Officers consider that this attracts moderate weight in the planning decision.

7.9.1 The building is currently vacant and has been so since the Valuation Service left the building in 2015. Since then there has been no success in renting the building and there is robust evidence in place that there is low demand for the building and similar office space of better quality is available within the vicinity (Clarence House). As such the proposal would allow a currently redundant building to come back into use which is seen as a significant benefit and in compliance with Policy SP18 (Urban Regeneration).

## 7.10 Noise

7.10.1 The applicant has provided a Noise Assessment which concludes that external noise levels are high. However the existing glazing which is to be retained was modelled as producing the necessary noise reduction so the recommended internal noise levels can be met both during the day and at night. However this is predicated on the windows being shut. To provide ventilation the assessment recommends that mechanical ventilation is provided with scope to open windows for purge ventilation as necessary. The requirement for mechanical ventilation can be secured under condition. Policy GP2i (Noise) is met subject to this condition.

## 7.11 SECTION 106

7.11.1 S106 planning obligations are normally required to either carry out works or contribute financially towards measures that mitigate the impact of the development i.e. to make an unacceptable proposal acceptable in land use planning terms. However, economic viability is an important material planning consideration on the potential scope and scale of planning obligations, especially when considering wider regeneration benefits and whether these issues outweigh the harm caused by the loss of S106 planning obligations.

7.11.2 Developer profit on open market housing will normally be a range between 15% and 20%, depending on risk and market conditions. However, the development is generating a profit well below these industry standards. i.e. a very low single digit sum.

7.11.3 An 'open book' viability appraisal was undertaken utilising the Council's Three Dragons Toolkit. It concluded that policy compliant contributions (stated above) would further jeopardise the proposal's economic viability and subsequent delivery. A separate viability assessment has been undertaken by Newport Norse. Norse has reached the same conclusion as the Three Dragons Toolkit, stating that "*The profit is minimal and therefore in its current format the developer could not contribute to s106 obligations*". Taking into account both viability appraisals, it is concluded that the contributions should be waived.

7.11.4 The applicant has produced a paper stating that the development would not be viable in the event any Section 106 contributions were made. This has been assessed by a Quantity Surveyor (Newport Norse) who has agreed with the conclusion arrived at. As such the development is not capable of meeting the requirements of Policy SP13 (Planning Obligations) and is therefore unsustainable in a broader sense. The adopted SPG 'Planning Obligations' advises at Paragraph 11.1 that:

*Certain proposals may be eligible for discounted or reduced contributions, if it can be proven that the level of contribution required will jeopardise a proposal's viability. This is most likely to be the case on previously developed land, and the development of the site is considered to be a significant regeneration benefit.*

7.11.5 The regeneration benefits of the scheme have already been acknowledged and the site qualifies as Previously Developed Land. However the Planning Obligations SPG also notes that where the impact of a development is so severe that the mitigation required under S106 requirements cannot be waived then a development would still be refused permission if those contributions were not forthcoming. However there is no indication that that scenario applies here. Most of the flats will be one bedroom and would not be expected to contribute to education, the traffic flows generated are similar or less than the current use, public open space is available nearby (the river front) and is not likely to be unacceptably burdened by this proposal. The greatest loss would be to affordable housing provision which although significant would not increase any burden on existing local infrastructure. As such the failure

to make S106 contributions weighs moderately against the proposal but would not be fatal to the proposal in itself.

## 7.12 Planning Balance

7.12.1 The key benefits of the scheme are the contribution to urban regeneration objectives by bringing a disused building back into use in an area of the city on the edge of the city centre which faces significant issues in terms of dereliction and under-investment. Although not currently at risk, if the Crown Buildings cannot find a future economic use then it is likely to deteriorate and would not contribute positively to the area. The provision of 56 units of accommodation in a highly sustainable location is the main benefit of the scheme. In terms of harms the site will have a small deficit in parking provision however this is not considered to be unacceptably harmful given the potential mitigation of a Travel Plan in combination with the very sustainable location the site occupies. The flood risk is also considered to be a slight harm due to the flats themselves being dry in the event of a flood although it is acknowledged they may be uninhabitable for some time after a flood whilst works of cleansing and repair take place on the ground floor. However it is reasonable to expect utilities to be quickly restored within the city and this is seen as a small harm. The failure to make any S106 provision also counts against the proposal but the anticipated harm is seen as manageable in context. There would be no unacceptable worsening of local amenity or service provision and no harm to the interests of future occupiers. Overall officers conclude that the benefits of the scheme outweigh the harms and conditional planning permission should be granted.

## 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 is Policy compliant and planning permission can be granted subject to conditions.

## **10. RECOMMENDATION**

### **GRANTED WITH CONDITIONS**

#### Plans

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

- Drawing P551 L 003 A – Site Plan as Proposed
- Drawing P551 L 200 B – Ground Floor Plan as Proposed (other than as amended by any relevant conditional discharge)
- Drawing P551 L 201 A – First Floor Plan as Proposed
- Drawing P551 L 202 – Second Floor Plan as Proposed
- Drawing P551 L 203 – Third Floor Plan as Proposed
- Drawing P551 L 204 – Fourth Floor Plan as Proposed
- Drawing P551 L 205 B – Fifth Floor Plan as Proposed
- Drawing P551 L 206 – Sixth Floor Plan as Proposed
- Drawing P551 L 207 – Seventh Floor Plan as Proposed
- Drawing P551 L 208 – Eighth Floor Plan as Proposed
- Drawing P551 L 210 – Elevations 1 of 4 as Proposed
- Drawing P551 L 211 – Elevations 2 of 4 as Proposed
- Drawing P551 L 212 – Elevations 3 of 4 as Proposed
- Drawing P551 L 213 – Elevations 4 of 4 as Proposed
- Drawing P551 L 214 – Longitudinal Section as Proposed
- Drawing P551 L 215 – Section A-A as Proposed
- Drawing P551 L 220 – Perspective View 1 of 2 as Proposed
- Drawing P551 L 221 – Perspective View 2 of 2 as Proposed

**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***

#### CEMP

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

- dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition Activities;
- noise mitigation measures;
- details of temporary lighting;
- details of enclosure of working areas;
- a drainage strategy to operate setting out controls of contamination, including controls to surface water run off, water pumping, storage of fuels and hazardous materials, spill response plans and pollution control measures.
- Other pollution prevention and contingency measures.
- Location and scale of site offices and welfare facilities.

- Details of storage compounds / areas for materials, waste, stripped soils and plant; including details of any semi-permanent plant such as cement silos and the height to which materials will be stored.
  - Details of off-road contractor parking
- Development works shall be implemented in accordance with the approved CEMP.  
**Reason:** To protect the amenities of nearby residents and to prevent on-street parking in an area of significant parking restriction in order to maintain the free flow of traffic and highway safety. Policies GP2 & GP4.

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

#### Waste Management Plan

03 Notwithstanding the submitted details prior to the first occupation of the approved flats a scheme for the storage of waste and recyclable materials on the site shall be submitted to the Council in writing. The scheme shall have regard to the Council's recommendations for the required storage and show that the store can be suitably accessed by the Council's bin collection service. Following the Council's written agreement the scheme shall be implemented and maintained as agreed prior to the first occupation of the building.

**Reason:** to ensure the site can be appropriately serviced. Policy W3.

#### Travel Plan

04 Prior to the first occupation of any flat hereby approved a Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall be implemented as approved.

**Reason:** To ensure the efficient function of the site, to avoid any adverse impacts on the local highways and to promote sustainable transport. Policy SP1 & SP15.

#### Flood Evacuation Plan

05 Prior to the first occupation of any flat a Flood Management & Evacuation Plan shall be submitted to the Council in writing. Following the Council's written agreement, the plan shall be implemented fully as agreed in the event of a flood or flood warning following the occupation of any flat.

**Reason:** to minimise the flood risk on the site. Policies SP3, GP1 & GP7.

#### Provision of Parking

06 The approved parking provision shall be provided prior to the occupation of any flat and shall be retained thereafter. Each flat shall be allocated at least one space. The visitor spaces shall be kept available for use by visitors to the site.

**Reason:** to ensure off-road parking is provided in the interests of residential amenity, highway safety and the free flow of traffic. Policies GP2, GP4 and T4.

#### Provision of bike store

07 The proposed bicycle storage shall be provided prior to the occupation of any flat.

**Reason:** to provide for sustainable and active transport and in the interests of residential amenity. Policies SP1 & GP2 and to comply with the advice of Planning Policy Wales Edition 10.

#### Mechanical Ventilation

08 Prior to occupation of the flats hereby approved a scheme providing for the mechanical ventilation of all those flats shall be provided in writing to the Council. Following the Council's written agreement the mechanical ventilation shall be installed as agreed prior to the occupation of any flat and retained thereafter.

**Reason:** to protect residential amenity. Policies GP2 & GP7.

#### Charging points

09 Prior to the occupation of the flats a scheme to provide for the provision of electrical charging points for electric vehicles and the capacity to provide such charging points in the future to any spaces not to be provided with charging points in the first instance shall be provided in writing to the Council. Following the Council's written agreement the scheme shall be provided as agreed prior to the first occupation of any flat approved and shall be retained thereafter.

**Reason:** in the interests of sustainability and reducing any adverse impact on the Caerleon Road / Chepstow Road Air Quality Management Area. Policies SP1 & GP7.

***Other conditions requiring the submission of information***

Secure Motorcycle storage

10 Prior to the first use of the proposed motorcycle storage a scheme to provide security / antitheft provisions to that motorcycle storage shall be provided in writing to the Council. Following the Council's written agreement the scheme shall be implemented as agreed prior to the first use of the storage. The storage shall be provided as agreed prior to the first occupation of any flat and retained thereafter.

**Reason:** to ensure the motorcycle storage is usable and is provided in the interests of parking and encouraging small vehicles that reduce pollution and congestion and to reduce the risk of theft. Policy SP1.

Provision of roof garden

11 Prior to the provision of the roof garden details of how it will be set out, maintained and managed shall be provided in writing to the Council. After the Council's written agreement the garden will be set out and managed as agreed. The roof garden shall be provided prior to the occupation of any flat on the fifth floor of the building and retained for the use of residents thereafter. Details of any additional means of enclosure around the garden shall be provided as part of the details of the garden and shall be installed as agreed prior to its first use and retained thereafter.

**Reason:** to provide outdoor amenity space for the use of residents. Policy GP2.

***NOTE TO APPLICANT***

01 This decision relates to the following unconditioned plans & documents:

- Drawing P551 L002 A – Site Plan as Existing
- Drawing P551 L100 A – Photographs as Existing
- Drawing P551 L101 A – Ground & First Floor Plans as Existing
- Drawing P551 L102 A – Second & Third Floor Plans as Existing
- Drawing P551 L103 A – Fourth & Fifth Floor Plans as Existing
- Drawing P551 L104 A – Sixth, Seventh & Eighth Floor Plans as Existing
- Drawing P551 L102 A – Second & Third Floor Plans as Existing
- Drawing P551 L110 A – Elevations 1 of 4 as Existing
- Drawing P551 L111 A – Elevations 2 of 4 as Existing
- Drawing P551 L112 A – Elevations 3 of 4 as Existing
- Drawing P551 L113 A – Elevations 4 of 4 as Existing
- Drawing P551 L114 A – Longitudinal Section as Existing
- Drawing P551 L115 A –Section A-A as Existing
- Drawing P551 L120 A – Perspective View 1 of 2 as Existing
- Drawing P551 L121 A – Perspective View 2 of 2 as Existing
- Drawing P551 L001 A – Location Plan
- Flood Consequences Assessment (08/06/2018) (WIE13847-1-3-2-FCA)
- Letter from Savills dated 12 June 2018, signed by Garry Carver
- Planning Noise Assessment (June 2018) (WIE13847-101\_R\_5.1.6)
- Pre-application Consultation Report and Appendices (August 2018)
- Residential Travel plan (June 2018) (WIE13847-101-4-1-4 Travel Plan)
- Air Quality Assessment (June 2018) (WIE13847-101-R-2-2-3-AQ)
- Transport Assessment (July 2018) (WIE13847-101-3-4-2-Transport Statement)
- Design & Access Statement

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP15, SP16, GP5, GP6, CE9, T1, T2 & T8 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 **Page 67** Dwr Cymru Welsh Water on 01443 331155.

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

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**APPLICATION DETAILS**

**No:** 18/0566      **Ward:** MARSHFIELD

**Type:** FULL (MAJOR)

**Expiry Date:** 15-JUL-2019

**Applicant:** MILLGROVE CAPITAL LTD

**Site:** LAND TO THE EAST OF CAERLEON HOUSE, CLEPPA PARK, COEDKERNEW, NEWPORT

**Proposal:** PROPOSED CONSTRUCTION OF 3 STOREY COMMERCIAL UNIT WITH GROUND FLOOR RETAIL AND OFFICES ABOVE, ON SITE CAR PARKING AND REFUSE STORAGE FACILITY

**Recommendation:** GRANTED WITH CONDITIONS

**1. INTRODUCTION**

1.1 This application seeks consent to construct a three storey building on a parcel of land within the Cleppa Park employment site. It is proposed to provide two retail units (A1) on the ground floor and office accommodation (B1) on the first and second floors.

**2. RELEVANT SITE HISTORY**

None.

**3. POLICY CONTEXT**

3.1 Adopted Newport Local Development Plan 2011-2026 (NLDP):

Policy <b>SP1 Sustainability</b> favours proposals which make a positive contribution to sustainable development.
Policy <b>SP2 Health</b> 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 <b>SP9 Conservation of the Natural, Historic and Built Environment</b> protects habitats and species as well as Newport's listed buildings, conservation areas, historic parks and gardens, scheduled ancient monuments, archaeologically sensitive areas and landscape designated as being of outstanding historic interest.
Policy <b>SP17 Employment Land</b> allocates 172 hectares of employment land for the plan period.
Policy <b>SP18 Urban Regeneration</b> supports development which assists the regeneration of the urban area, particularly the city centre and the reuse of vacant, underused or derelict land.
Policy <b>SP19 Assessment of Retail Need</b> 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 <b>GP1 General Development Principles – Climate Change</b> states that development should be designed to withstand predicted climate change and reduce the risks and consequences of flooding, minimise energy requirements, reuse/recycle construction material and meet the relevant BREEAM or Code for Sustainable Homes Level.
Policy <b>GP2 General Development Principles – General Amenity</b> states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to

design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
Policy <b>GP3 General Development Principles – Service Infrastructure</b> states that development will only be provided where necessary and appropriate service infrastructure either exists or can be provided. This includes power supplies, water, means of sewage disposal and telecommunications.
Policy <b>GP4 General Development Principles – Highways and Accessibility</b> states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.
Policy <b>GP5 General Development Principles – Natural Environment</b> states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.
Policy <b>GP6 General Development Principles – Quality of Design</b> states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.
Policy <b>GP7 General Development Principles – Environmental Protection and Public Health</b> states that development will not be permitted which would cause or result in unacceptable harm to health.
Policy <b>T4 Parking</b> states that development will be expected to provide appropriate levels of parking.
Policy <b>T5 Walking and Cycling</b> promotes the creation of a network for walking and cycling, including National Cycle Networks 47, 4 and 88.
Policy <b>R8 Small Scale Retail Proposals</b> states new small scale retail proposals outside of the city and district centres will only be permitted when new residential development would be served or the proposals would cater for under-provision; the proposal is of an appropriate scale; there's no adverse effects on viability of any defined centre; and there are no unacceptable effects on the local amenities or general character of the area.
Policy <b>W3 Provision for Waste Management Facilities in Development</b> states that where appropriate, facilities for waste management will be sought on all new development.

#### 4. CONSULTATIONS

##### 4.1 WELSH WATER

No objections to the proposal subject to a condition for the agreement of foul, land and surface water. Also provided informative notes on a variety of matters, including comments on an adjacent large diameter sewer. Confirmed on 1 May 2019 that the drainage structure within the site is not a Welsh Water asset.

##### 4.2 NATURAL RESOURCES WALES

No objections to the proposal. Recommended consultation with the Council's Ecologist and acknowledged that the proposed foul drainage would discharge to the mains sewer.

##### 4.2 WALES AND WEST UTILITIES

No objections to the proposal subject to informative notes.

##### 4.3 FIRE SERVICE

No objections to the proposal subject to informative notes requesting the developer to consider the need for the provision of:-

- a. adequate water supplies on the site for fire fighting purposes; and

b. access for emergency firefighting appliances.

## **5. INTERNAL COUNCIL ADVICE**

5.1 HEAD OF HOUSING, REGENERATION AND INVESTMENT (PLANNING POLICY)  
The submitted Retail Statement is considered to sufficiently address the policy requirements of Policy SP19 – Assessment of Retail Need and R8 – Small Scale Retail Proposals.

5.2 HEAD OF CITY SERVICES (HIGHWAYS)  
I'm satisfied that the non-operational parking can be provided in accordance with the Newport City Council Parking Standards.

I note that the size of vehicle used for the swept path analysis is 9m and that deliveries would be controlled. I would however question how the size of vehicle used by a supplier could be controlled by the applicant. If you're of minded to accept the size of vehicle proposed by the applicant then it must be conditioned that any vehicles will not exceed this size.

Two commercial vehicle spaces should be provided in accordance with the parking standards. Should the applicant intend for two vehicles to be accommodated within the loading bay then they should demonstrate that this is achievable.

5.3 HEAD OF CITY SERVICES (DRAINAGE)  
No details have been provided to advise how surface water of the site is to be managed. I suggest further details are provided in order for me to comment further.

5.4 HEAD OF CITY SERVICES (LANDSCAPING)  
The proposals are acceptable, following receipt of a revised landscape plan, maintenance and management plan and revised tree protection plan. Given the proximity of building and surfacing work to semi mature trees which are to be retained, I would recommend that once tree protection works are in place this is notified to the Authority for review.

5.5 HEAD OF CITY SERVICES (TREE OFFICER)  
No objections to the proposal.

5.6 HEAD OF CITY SERVICES (ECOLOGY)  
No objections to the proposal.

5.7 HEAD OF LAW AND REGULATION (PUBLIC PROTECTION)  
No objections to the proposal subject to a condition for a Construction Environmental Management Plan.

## **6. REPRESENTATIONS**

6.1 NEIGHBOURS:  
All properties sharing a common boundary and opposite the site were consulted (4 addresses), a site notice displayed and a press notice published in South Wales Argus. No responses were received.

6.2 COUNCILLORS: All Ward Councillors were consulted. No responses were received.

6.3 COMMUNITY COUNCIL: Coedkernew Community Council were consulted. No response was received.

## **7. ASSESSMENT**

7.1 This application seeks consent to construct a three storey building on a parcel of land within the Cleppa Park employment site. It is proposed to provide two retail units (A1) on the ground floor and office accommodation (B1) on the first and second floors.

7.2 At its largest dimensions, the proposed building would measure 19m x 25m, with a maximum height of 11.2m. It would have a shallow-pitched roof hidden behind a parapet, giving the impression that the building would have a flat roof.

7.3 Currently, the site has a convex topography and appears to have been artificially designed in this matter. Over time, the site has become overgrown with trees and vegetation however

many of which were cleared prior to the submission of this application. It is proposed to infill the site and bring it to a level which is between 0.5-1m lower than the external surface of the adjoining site serving Caerleon House. The building would be constructed on top of this level surface to form a new corner plot at the entrance to Cleppa Park. An area for parking would be provided to the north of the building (the rear) with vehicular access provided from an existing car park serving Caerleon House.

#### 7.4 The Principle of the Development

The site is located within the urban area where development is broadly supported. In addition to the above, the proposal, in principle, is considered to support regeneration objectives defined by Policy SP18 of the NLDP since the scheme aims to provide business opportunities in the urban area and involves the use of vacant and underutilised land.

7.5 The proposed building would be three-storeys with the two upper floors providing office accommodation. Since the site is located within a well-established Business Park, it is considered that the provision of offices in this location is acceptable, in principle. Notwithstanding this, the ground floor would be for retailing purposes and the principle of its inclusion in this part of Newport needs to be justified in context to local and national planning policy.

#### 7.6 Retail

The application includes 365 sqm (257 sqm net) of A1 retail floorspace on the ground floor. Both national and local retail policy is clear that a 'town centre first' approach should apply to uses best located within a defined centre. Retail developments proposed in an out-of-centre location need to satisfy a number of policy considerations to ensure that there are no adverse impacts on the vitality and viability of existing centres. Policies SP19 and R8 are therefore of relevance to the consideration of this scheme. In satisfying the policies, the NLDP acknowledges that the size of the activity proposed will affect how the Council will deal with the requirement to demonstrate need and the application of the sequential test. The level of information required should be proportionate to the size of the scheme proposed. The following issues are required to be addressed to satisfy Policy SP19 and elements of Policy R8 of the NLDP:

- a. The need for the development.
- b. The sequential test can be satisfied.
- c. Impact on defined centres.

7.7 The applicant has submitted a Retail Statement to address these issues which will now be discussed in turn.

#### 7.8 a. Need

The Retail Statement estimates the 'Primary Catchment Area' for the retail element of the scheme to be the working population of Cleppa Park/Celtic Springs/Imperial Park which they estimate to be c. 6,500. This is considered reasonable, however, the description of this population as being within walking distance is considered to be unrealistic for some places of work, given the road network and distance between Imperial Park and Cleppa Park. Nevertheless, the working population of the nearby employment sites is considered to be the main customer base of the proposed retail unit and its location within the employment site provides the opportunity for workers to walk to a shop. The applicant's justification for the proposal as being a qualitative need is also considered reasonable, given that there is currently only a bakery (Greggs) and a café/restaurant (The Vanilla Pod) catering for the working populations' lunchtime needs in the immediate area with The Dragonfly public house/restaurant catering for a broader customer base. Given the scale and the nature of the retail units proposed, the points put forward in relation to demonstrating quantitative need for the development are considered acceptable.

#### 7.9 b. Sequential Approach to Site Selection

The site is out-of-centre and is therefore required to consider the sequentially preferable options that may be suitable and available. Taking into account the scale of the proposal and its primary catchment area of the working population of the nearby employment sites, the applicant's conclusion that there are no defined centres within walking distance of the application site is accepted. The nearest defined centres are Cardiff Local Centre and Laurel

Drive Local Centre, both of which are over a mile away and are fully occupied. Having regard to the primary customer base of the local businesses, the lack of suitable alternative options within the nearest defined centres and the benefits of co-locating facilities the findings of the sequential assessment are considered reasonable.

7.10 c. Assessment of Impact

Criterion iii) of Policy R8 permits small scale retail proposals where there would be no adverse effects on the viability and vitality of any defined centres. The applicant's conclusion that given the absence of any nearby centres, the target customer base of the walk-in employees in the locality, the distance between the proposal and the nearest defined centres and scale of the unit, it is agreed that the proposal would not lead to an unacceptable impact on defined centres.

7.11 Retail Assessment Conclusion

Having regard to submitted Retail Statement and consideration of the above factors, it is considered that the proposal satisfies the requirements of Policies SP19 and R8 of the NLDP.

7.12 Placemaking and Visual Amenity

According to PPW10, "*Placemaking*" is a holistic approach to the planning and design of development and spaces, focused on positive outcomes. It draws upon an area's potential to create high quality development and public spaces that promote people's prosperity, health, happiness, and well being in the widest sense. Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place.

7.13 The site is located within Cleppa Park which is a business centre primarily catering for office, technology and laboratory industries. A limited amount of non-employment uses are included within the wider estate, such as a hotel, restaurant and retail units. Cleppa Park generally contains large buildings situated in spacious plots, reflecting a relatively low-density form of development, good provision of parking and surrounded by extensive landscaping and trees.

7.14 This proposal, which primarily provides office accommodation and a degree of retail is considered broadly compatible with its surroundings. Several office/employment buildings within Cleppa Park do not have any significant design merit or clear consistency in their scale, design and appearance. The application site is located within one of the earliest phases of the Park (approximately late 1980s / early 1990s) and, as such, contains some of the oldest buildings which have a rather dated appearance.

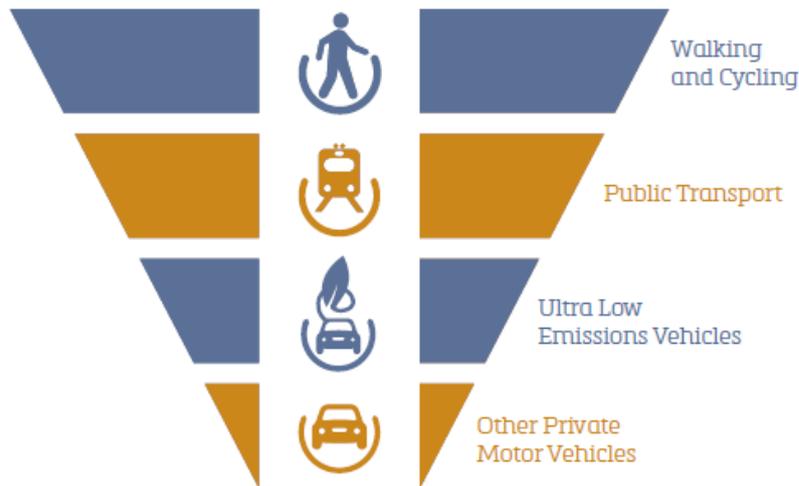
7.15 The proposed building would introduce a more contemporary building to this area of the Park. It would have a cuboid shape with a short projecting element on the northern and southern elevations. The building would occupy a prominent corner plot at the entrance into the business centre. It would have a much smaller footprint than the adjacent building, Caerleon House, but it would be taller, extending to three storeys and sited along a similar building-line. Due to this configuration and scale, the building would have a clear presence at the gateway into Cleppa Park. The inclusion of ground floor shopfronts and dual-aspect facades on the northern and southern elevations assists in creating visual interest, whilst the three most publicly visible elevations would have an appropriate balance between wall and openings/glazing, thereby satisfying Policy GP6 of the NLDP.

7.16 Through negotiation, the external appearance of the development has been improved so that it is more compatible with more recent developments within the Park. In this regard, the elevations now include greater use of yellow/brown brick with rendered infill panels. This is supported with grey coloured windows and doors, grey metal cladding for the upper portion of the building and a cantilevered grey flat roof. These external finishes and their interpretation on the building are sympathetic to those used on Integra House and Oak House which are buildings within 200m of the site and constructed approximately 2006/07. It is considered that the proposal would lead to the enhancement of the character of the area and there would be sufficient design quality to make a positive contribution to "*Placemaking*". The scheme therefore is deemed to satisfy Policy GP6 of the NLDP. Notwithstanding the above, whilst the external finishes are considered to be broadly acceptable in principle, there are no

specific details provided on the plans. As such, it is considered necessary to impose a condition for all external finishes to be agreed.

- 7.17 It is proposed to construct a cycle store and a bin store in the northern part of the site, adjacent to the servicing and parking areas. Whilst there are no significant concerns in principle for the siting of these structures, no specific details have been provided, particularly with regards to their design and appearance. As such, it is considered necessary to impose a condition for their agreement.
- 7.18 The strongest contributor to the character and appearance of Cleppa Park is the prominence of trees and the setting of buildings within extensive areas of soft landscaping. Significant negotiation has taken place between the applicant and the Head of City Services (Landscaping and Tree Officers). A tree survey has been undertaken by a qualified arboriculturalist which indicates that a small number of trees would be removed to accommodate the new development. Also areas of less-prominent grass verges would be replaced with parking. To mitigate for their combined loss, a detailed landscaping plan by qualified landscape architect has been submitted. This plan demonstrates that replacement planting would undertaken, particularly to reinforce of the band of trees and vegetation along the A48 which is considered to be a key feature along the outer perimeter of the Park. Inside the band of trees would be a new continuous hedgerow, extending for the entire depth of the building and the new parking/servicing area. A statement Birch tree would also be planted outside the southern elevation which is considered to be the most publicly prominent elevation, providing a pleasant feature at the entrance to the Park and satisfying Policies GP5 and GP6 of the NLDP.
- 7.19 The entire landscaping scheme provides a good balance of planting which is supplemented by a maintenance plan and protection measures for all retained trees. The scheme, which includes existing and proposed site levels, has demonstrated that the development can be sympathetically assimilated within the site without causing any significant detriment to existing trees and soft landscaping. The mitigation, maintenance and protection measures would complement the physical works, resulting in visual improvements within the site and its surroundings and contribute to biodiversity and ecology interests. In the context of “*Placemaking*”, the development would result in tangible benefit to the locality. The Head of City Services (Landscaping, Tree and Ecology Officers) has no objections to the proposal whilst Natural Resources Wales has not raised any objections on ecology/biodiversity. As such, it is considered that the proposal satisfies Policies SP2, GP5 and GP6 of the NLDP.
- 7.20 Highways, Sustainable Transportation and Parking  
One of the key messages of Planning Policy Wales 10 (PPW10) is that Authorities 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*”.

7.21 Figure 1: Transport Hierarchy of Planning Policy Wales Edition 10



- 7.22 In accordance with the transport hierarchy within PPW10 (Figure 1) the site would have good pedestrian connectivity, with the proposed building being capable of being accessed from public positions via the southern and northern ends. A bike store would also be provided to improve the sustainability credentials of the development, however details of which will need to be secured by a planning condition. In this respect, the proposal satisfies Policies SP1, SP2, GP2, GP4 and GP6 of the NLDP.
- 7.23 Immediately adjacent to the site is a long distance walk/cycle route, identified by Policy T5 NLDP. The development therefore in an excellent location for sustainable modes of travelling, thereby satisfying Policies SP1, SP2, GP2, GP4 and GP6 of the NLDP.
- 7.24 Immediately adjacent to the site is a bus stop. This is accessible off the A48 which provides good connectivity to wider parts of the region. This is considered to satisfy Policies SP1, SP2, GP2, GP4 and GP6 of the NLDP.
- 7.25 The local context is defined by a business park which is away from any immediate residential or commercial centres. As such, it is acknowledged the site would be visited by private cars. In this context, parking and servicing area would be provided to the north of the proposed building. This would effectively be an extension of the existing parking area serving the adjacent building, Caerleon House. The parking area is located away from any prominent public positions since it would be accessed off an estate road within the Park, hidden by existing and proposed buildings and screened from the A48 by trees and landscaping. The development would provide 48 parking spaces and the Head of City Services (Highways) is satisfied the level of non-operational parking is adequate and meets the requirements of Policy T4 of the NLDP and the Council's adopted Supplementary Planning Guidance: Parking Standards (SPG: PS).
- 7.26 Whilst the transport hierarchy within PPW10 discourages reliance on private car journeys, this scheme includes a combination of good pedestrian, cycle and public transport links and caters for all modes of transport. Furthermore, the mixed retail/office uses of the proposed development could reduce the need for additional travelling by workers, especially since the supporting retail statement explains that the proposed retail use is aimed to cater for the working population of Cleppa Park/Celtic Springs/Imperial Park. In the context of "Placemaking", this development would have a positive contribution to sustainability and health and well-being, thereby satisfying Policies SP1, SP2, GP2, GP4 and GP6 of the NLDP.
- 7.27 Notwithstanding the above, to mitigate the impact of private car journeys, PPW10 encourages the use of low emission vehicles. Therefore, in accordance with Paragraph 4.1.39 of PPW10 and the transport hierarchy, a condition would be imposed to any permission issued requiring a minimum of 10% of the proposed car parking spaces (equating to at least 5 spaces) to be fitted with Ultra Low Emission Vehicle charging points. This is considered justified in the interests of sustainability.

- 7.28 The development generates the demand for two commercial vehicle spaces. The submitted plans demonstrate that commercial spaces would be provided by virtue of a single but long loading bay that covers an area of approximately 19-22m x 4m. SPG: PS does not specify the dimensions of a commercial vehicle space but it is considered that the dimensions of the loading bay is capable of serving the development. The submitted plans demonstrate a 9m long vehicle can adequately access the site and manoeuvre within the parking/serving area. Whilst the Highways Officer has recommended that a condition be imposed to control commercial vehicle size, it is considered that this is not necessary in this particular instance. This is because 9m long vehicles is considered to be of sufficient size to serve this development and the layout itself would be self-limiting.
- 7.29 Having regard to the above, it is considered that the scheme would not have any significant adverse effect on parking and highway/pedestrian safety. Furthermore, the scheme satisfies the requirements of PPW10, Policies SP1, SP2, GP2, GP4 and GP6 of the NLDP and SPG: PS.
- 7.30 Residential and General Amenity  
The site is located within a purpose-built business park which is away from any immediate residential properties (the nearest being approximately 280m in Pencarn Avenue). As such, given the nature and location of the proposed development, it is considered that the scheme would not have any significant adverse effect on the residential amenities of neighbouring properties, thereby satisfying Policy GP2 of the NLDP.
- 7.31 The proposed building would be sited alongside an existing office/employment building (Caerleon House). This neighbouring building contains glazing on its side elevation facing the application site. Paths and a landscaped buffer approximately 8m wide would be provided between the two buildings with the building sited approximately 1m lower than the level of Caerleon House. Whilst this would assist in minimising the impact of the proposed development upon Caerleon House, the proposed three-storey building is likely to reduce the outlook and light entering some of the windows on the side elevation of the neighbouring building. Furthermore, the position of side-facing windows on both buildings would result in mutual overlooking. However, since this impact would be between two non-residential buildings, it is considered that the amenities of those occupying the buildings would not be unduly affected. The Head of Law and Regulation (Public Protection) has no objections to the proposal subject to a condition for the agreement of a Construction Environmental Management Plan (CEMP) to control and mitigate the impact of the construction phase of the development upon public safety, roads and neighbouring buildings, thereby satisfying Policies GP2 and GP7 of the NLDP.
- 7.32 Notwithstanding the soft landscaping proposals, it is unclear from the submitted drawings whether any boundary treatments would be erected within the development site. Furthermore, no specific details of the external finishes of the proposed hard surfaces have been provided. This includes the car parking/servicing area, circulation spaces, paths and the external terrace at the southern part of the site. It is therefore considered necessary to impose a condition for use details to be agreed.
- 7.33 Health and Well-being  
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. Furthermore, Objective 9 of the adopted Newport Local Development Plan (NLDP) is: *"To provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being"*. This objective has been incorporated in Policy SP2 of the NLDP which requires development proposals to maximise their positive contribution to health and well-being and minimise any negative effects. In the context of this particular proposal, it is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives of Newport's Well-Being Plan and Policy SP2 of the NLDP.

7.34 Drainage and Utilities

The site has a convex topography and appears to have been artificially designed in this matter. There is also a drainage feature approximately at the lowest part of the site. This feature is orientated towards the A48. Despite extensive planning history search of the site, there is no conclusive evidence to determine the use and nature of this parcel of land. The planning agent has made enquiries with the original estate agent who sold the land to the applicant regarding the past circumstances of the site. They believe it was originally a 'borrow pit' which assisted in recontouring the wider Business Park. Also there are no restrictions in the property title requiring the retention of the land in its convex state.

7.35 Notwithstanding the above, there is no evidence before the Authority to conclude that this feature is critical to drainage infrastructure with Welsh Water confirming that it does not form part of their asset nor has the Head of City Services (Drainage Officer) identified any drainage feature being recorded on the site. Furthermore, the site is outside any flood risk area and it is noted that until recently the site was overgrown with trees and vegetation which indicates that the site may not been subjected to any significant quantities of water.

7.36 Having regard to the above, it is considered that the removal of the drainage feature and the infilling of the land to create a level surface to accommodate new development is acceptable in principle. It is however considered prudent, in the interests of general amenity and good construction practice, to impose a condition for the submission of the methodology of blocking up and removal of the existing drainage feature. A further condition which requires any materials brought onto the site as part of the ground levelling works to be chemically tested prior to its importation to ensure that there is no contaminants present that may harm public health.

7.37 With regards to the proposed development (post ground levelling works), the application has not been accompanied by a drainage strategy to demonstrate how with surface, roof and foul water discharges would be dealt with. Welsh Water has no objections to the proposal however in the absence of a clear drainage strategy, a condition is recommended to deal with all drainage infrastructure. This condition would also address the comments made by the Head of City Services (Drainage Officer). Furthermore Natural Resources Wales has not raised any objections with regards to drainage matters. Subject to this condition, it is considered that the site and proposed development would be served by adequate drainage infrastructure, thereby satisfying Policy GP3 of the NLDP.

7.38 The site is located within the urban area and in a well-established business park. As such, it is considered that the site would be supported by other essential utilities and infrastructure to facilitate the proposed development. Wales and West Utilities has no objections to the proposal subject to informative notes.

7.39 Planning Contributions

The proposed development does not generate the need for any planning contributions.

**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.

**9. CONCLUSION**

9.1 This application is recommended for approval because the development complies with Council Policies and Guidelines. The proposed scheme would support regeneration objectives through the provision of business opportunities in the urban area and involves the use of vacant and underutilised land. The scale and location of the retailing element of the scheme would primarily cater for the working population of the nearby employment sites with no significant adverse effects on the viability and vitality of any defined centres. In the context of “*Placemaking*”, this development would have a positive contribution to sustainability and health and well-being of Newport and would not have any significant adverse effect on visual amenity, landscaping, biodiversity/ecology, drainage, residential/neighbouring amenity, highways and parking.

**10. RECOMMENDATION**

**GRANTED WITH CONDITIONS**

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

AL(90)01 Rev. A – Location Plan  
AL(90)02 Rev. A – Context Plan

AL(01)01 Rev. F – Proposed Site & Floor Plans  
AL(01)10 Rev. C – Proposed Elevations & Section

CPTRP-MAY19 – Tree Retention and Protection Plan

C2J/CP/T01 – Topographical Survey

L-010 Rev. A – Detailed Soft Landscape

Landscape Management Plan (May 2019, Zebra Landscape Architects)

Tree Impacts and Tree Protection Method Statement (Rev.1, May 2019, B.J. Unwin Forestry Consultancy)

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 (including demolition and ground works) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental

Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, air quality\*, vibration, dust\*\* and waste disposal resulting from demolition, 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 shall include HGV routes avoiding Air Quality Management Areas and avoid vehicle idling. The Plan shall also include the location of construction site accesses, the site compound, the provision of contractor parking and the means of enclosure to restrict public access to the site. The agreed Construction Environmental Management Plan shall be adhered to at all times.

\* 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 the interests of general amenities and highway/pedestrian safety – Policies GP2, GP4 and GP7.

- 03 No development (including demolition and ground works) shall commence until a scheme for the blocking up and removal of the existing on-site drainage feature has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to undertaking any other ground works.

Reason: In the interests of general amenities and good construction practices – Policies GP2, GP3, GP6 and GP7.

- 04 No development (including demolition and ground works) shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard (surface) water will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of any part of the development hereby approved.

Reason: To ensure that effective drainage facility are provided for the proposed development and that flood risk is not increased – Policies SP3 and GP3.

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

- (a) Supervision and monitoring of the approved Tree Protection Plan;
- (b) Supervision 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 identified intervals

Reason: To protect important landscape features within the site – Policies SP9, GP5 and GP6.

- 06 No development (including demolition and ground works) shall commence until the Tree Protection Plan and Root Protection Barriers as shown on drawing L-010 Rev. A – Detailed Soft Landscape and all weather notices shall be erected on the Root Protection Barriers, 1 per 10 panels, stating 'CONSTRUCTION EXCLUSION ZONE' have been implemented on site. No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble shall take place within the Root Protection Area. The Tree Protection Plan, Root

Protection Barriers and notices shall be retained for the duration of the demolition and development works.

Reason: To protect important landscape features within the site – Policies SP9, GP5 and GP6.

- 07 No development (excluding demolition and ground works) shall commence until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of building, hard landscaped areas, parking spaces, loading bay, circulation spaces and the external terrace shown on drawing AL(01) Rev. F have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and completed prior to the beneficial occupation of the development.

Reason: In the interests of visual amenity, general amenity and highway/pedestrian safety – Policies GP4 and GP6.

- 08 No development (excluding demolition and ground works) shall commence until full details of the bike store and bin store shown on drawing AL(01) Rev. F have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, completed prior to the beneficial occupation of the development and retained thereafter in perpetuity.

Reason: In the interests of visual amenity, general amenity and Sustainability - Policies SP1, GP4 and GP6.

- 09 No development (excluding demolition and ground works) shall commence until full details of the proposed boundary treatments to be erected have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be constructed in accordance with the approved details and erected prior to the beneficial occupation of any of the development hereby approved and retained thereafter in perpetuity.

Reason: To ensure the development is completed in a satisfactory manner, to preserve the character of the area - Policy GP6.

- 10 No development (excluding demolition and ground works) shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority showing at least 5 car parking spaces associated with the approved development being fitted with Ultra Low Emission Vehicle charging points. The approved charging points shall be fitted and made operational prior to the first beneficial occupation of the development hereby approved. The charging points shall then be retained in that state in perpetuity.

Reason: In the interests of sustainability – Policies SP1 and GP4 of Newport Local Development Plan and Planning Policy Wales (Edition 10)

### ***Prior to import conditions***

- 10 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 – Policies GP2 and GP7.

- 11 The soft landscaping scheme, as shown on drawing L-010 Rev. A – Detailed Soft Landscape 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 the Landscape Management Plan (May 2019, Zebra Landscape Architects). 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 – Policies GP2, GP5 and GP6.

- 12 The parking and loading spaces shown on drawing AL(01) Rev. F shall be implemented and demarcated on the ground prior to the beneficial occupation of the development hereby approved. The spaces shall then be retained in accordance with the approved drawing and kept available for parking and loading purposes thereafter in perpetuity.

Reason: To ensure adequate parking and loading facilities are provided on site in the interests of highway safety - Policies GP4 and T4.

#### *NOTES TO APPLICANT*

01 This decision relates to plan Nos: AL(90)01 Rev. A – Location Plan; AL(90)02 Rev. A – Context Plan; AL(01)01 Rev. F – Proposed Site & Floor Plans; AL(01)10 Rev. C – Proposed Elevations & Section; CPTRP-MAY19 – Tree Retention and Protection Plan; C2J/CP/T01 – Topographical Survey; CPTR-JAN19 - Tree Crowns Plan; CPSH-JAN19 - Theoretical Shading Plan, Tree Impacts and Tree Protection Method Statement (Rev.1, May 2019; B.J. Unwin Forestry Consultancy); L-010 Rev. A – Detailed Soft Landscape; Landscape Management Plan (May 2019, Zebra Landscape Architects); Photomontage 1; Photomontage 2; Retail Statement (A110722, October 2018, WYG); Application Forms.

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

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

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

05 The site may contain gas pipes and associated infrastructure and the applicant/developer is advised to contact Wales and West Utilities for further information.

06 The applicant/developer is advised that delivery vehicles visiting the site should not be longer than 9m.

07 The applicant/developer is advised to consider the need for the provision of adequate water supplies on the site for firefighting purposes and access for emergency firefighting appliances

**APPLICATION DETAILS**

**No:** 19/0009      **Ward:** GAER

**Type:** FULL (MAJOR)

**Expiry Date:** EXTENDED 4-JUL-2019

**Applicant:** HODGES, POBL CHARTERED HOUSING ASSOCIATION

**Site:** HILLSIDE RESOURCE CENTRE, GAER ROAD, NEWPORT, NP20 3GX

**Proposal:** DEMOLITION OF EXISTING CARE HOME AND THE CONSTRUCTION OF 14 HOUSES AND ASSOCIATED WORKS

**Recommendation:** GRANTED WITH CONDITIONS

**1. INTRODUCTION**

- 1.1 This is a full planning application for the demolition of an existing care home (over 55's accommodation) and the construction of 14 affordable houses. The site comprises the former Hillside Resource Centre on Gaer Road. The site has an area of 0.37 hectares.
- 1.2 The application has been reported to Planning Committee as this is a major planning application and it relates to Council owned land.

**2. RELEVANT SITE HISTORY**

- 2.1 None.

**3. POLICY CONTEXT**

- 3.1 The application has been assessed with regard to the Newport Local Development Plan. The following policies of that plan are considered relevant:

Policy <b>SP1 Sustainability</b> favours proposals which make a positive contribution to sustainable development.
Policy <b>SP4 Water Resources</b> favours developments that minimises water consumption, incorporates SUDs and generally manages water resources and drainage effectively.
Policy <b>SP10 Housing Building Requirements</b> states that provision is made for 11,623 units within the plan period in order to deliver a requirement of 10,350 units. The plan seeks to deliver 2,061 affordable units.
Policy <b>SP13 Planning Obligations</b> states that development will be required to help deliver more sustainable communities by providing or making contributions to local and regional infrastructure in proportion to its scale and the sustainability of its location.
Policy <b>SP18 Urban Regeneration</b> supports development which assists the regeneration of the urban area, particularly the city centre and the reuse of vacant, underused or derelict land.
Policy <b>GP1 General Development Principles – Climate Change</b> states that development should be designed to withstand predicted climate change and reduce the risks and consequences of flooding, minimise energy requirements, reuse/recycle construction material and meet the relevant BREEAM or Code for Sustainable Homes Level.

Policy <b>GP2 General Development Principles – General Amenity</b> states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
Policy <b>GP3 General Development Principles – Service Infrastructure</b> states that development will only be provided where necessary and appropriate service infrastructure either exists or can be provided. This includes power supplies, water, means of sewage disposal and telecommunications.
Policy <b>GP4 General Development Principles – Highways and Accessibility</b> states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.
Policy <b>GP5 General Development Principles – Natural Environment</b> states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.
Policy <b>GP6 General Development Principles – Quality of Design</b> states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.
Policy <b>GP7 General Development Principles – Environmental Protection and Public Health</b> states that development will not be permitted which would cause or result in unacceptable harm to health.
Policy <b>H1 Housing Sites</b> lists the sites identified for residential development. The site known as Former Queens Hill School is listed under H62.
Policy <b>H2 Housing Standards</b> promotes high quality design taking into consideration the whole life of the dwelling.
Policy <b>H3 Housing Mix and Density</b> seeks a density of at least 30 dwellings per hectare on sites of 10 dwellings or more.
Policy <b>H4 Affordable Housing</b> requires on-site provision on all new housing sites of 10 or more dwellings within the settlement boundary. The submarket area target for the application site is 30% Rogerstone and West Newport.
Policy <b>T4 Parking</b> states that development will be expected to provide appropriate levels of parking.
Policy <b>W3 Provision for Waste Management Facilities in Development</b> states that where appropriate, facilities for waste management will be sought on all new development.

- 4.1 SOUTH WALES FIRE SERVICE: the developer should consider the need for the provision of adequate water supplies on the site for fire fighting purposes and access for emergency firefighting appliances.
- 4.2.1 DWR CYMRU WELSH WATER: the existing development benefits from an existing surface water connection. An investigation into the use of infiltration has shown that soakaways will not be a viable method of surface water disposal. It is acknowledged that the developer therefore proposes to connect to the existing on-site surface water sewer with a betterment on the existing surface water discharge rate through a reduction in impermeable area (from 3800m<sup>2</sup> to 1780m<sup>2</sup>) and through the provision of attenuation and flow control device. We consider this acceptable on the basis that the surface water discharge rate is no more than 5 litres per second. The developer proposes to divert the existing 450mm on-site surface water public sewer in order to facilitate the proposed site layout. The applicant has not gained approval under Section 185 of the Water Industry Act 1991 in order to divert this asset, and therefore amendments may be required through this process. The applicant will be responsible for notifying the Local Planning Authority of any amendments made through this diversion process.
- 4.2.2 A condition is recommended as follows: Surface water flows from the development shall only communicate with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 5l/s.  
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
- 4.2.3 An informative is recommended as follows: The 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.

## 5. INTERNAL COUNCIL ADVICE

- 5.1.1 HEAD OF REGENERATION, INVESTMENT AND HOUSING (POLICY MANAGER): has made the following comments:

The site falls within the following designations of the Council's Local Development Plan:

- The site is within the settlement boundary.
- Brownfield site
- The site falls within the 30% affordable sub market area.
- The site is within Car Parking Zone 3.

- 5.1.2 Planning Policy Wales provides the overarching policy framework for planning in Wales. Chapter 2 sets out the sustainability principles underpinning Welsh Government's approach to planning policy for sustainable development. Section 3.3 outlines good design for making better places and Section 4.2 – Housing, sets out policy considerations specific to housing developments.

- 5.1.3 Paragraph 3.51 notes that previously developed (or brownfield) land (see page 38 of PPW 10 for definition) should, wherever possible, be used in preference to greenfield sites. Technical Advice Notes of relevance include:

- TAN 2: Planning & Affordable Housing (2006)
- TAN 12: Design (2014).

- 5.1.4 The following LDP policies are considered to be relevant to the application:

- SP1 – Sustainability
- SP10 – House Building Requirement
- SP13 – Planning Obligations
- SP18 – Urban Regeneration
- GP2 – General Amenity
- GP3 – Service Infrastructure
- GP4 – Highways & Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design

- H2 – Housing Standards
- H3 – Housing Mix & Density
- H5 – Affordable Housing Exceptions
- H9 – Housing Estate Regeneration
- CF12 – Protection of Existing Community Facilities
- T4 – Parking
- W3 – Provision for Waste Management Facilities in Development

5.1.5 The following SPG's are relevant:

- Planning Obligations SPG – August 2015
- Affordable Housing SPG – August 2015
- Parking Standards SPG – August 2015
- New Dwellings SPG – August 2015
- Air Quality SPG – February 2018

5.1.6 The site is considered brownfield, within the settlement boundary, and therefore the principle is acceptable. The current use of the site is a care home for the elderly, but this facility has been closed and vacant for years. Policy CF12 protects community facilities in Newport unless alternative provision can be made available or it can be demonstrated that the existing provision is surplus to the needs of the community. Considering the length of time the care home has been vacant, it is clear that this facility does not need protection. As such, Policy CF12 is considered satisfied. No objection is raised to the application in terms of planning policy.

5.2.1 HEAD OF CITY SERVICES (HIGHWAYS): In accordance with the Council's Parking Standards, the development generates a parking demand of 34 spaces at a ratio of 1 space per bedroom plus 2 visitor spaces. The applicant has submitted a sustainability assessment to demonstrate that parking can be reduced. The assessment used is not in accordance with the Council's Parking Standards. However, that being said, sufficient points can be scored to justify a minimum of 1 space reduction. When applying this reduction, sufficient parking will be available in accordance with the Council's Parking Standards.

5.2.2 The proposal would result in the termination of the access road which currently serves the application site, the neighbouring health clinic and Centrica Lodge. The applicant must confirm that the proposal will not result in the loss of parking for either of these properties and also that it will not affect servicing arrangements.

5.2.3 The applicant has demonstrated that 2.4 x 37m visibility splays will be achievable. In accordance with Manual for Streets an access onto a 30mph road requires visibility splays of 2.4 x 43m. I would suggest that visibility is available in excess of 37m, but for clarity, the applicant must amend the visibility splays to reflect this.

5.2.4 A swept path analysis must be submitted to demonstrate that the turning head is suitable to accommodate the turning manoeuvres associated with a refuse vehicle and emergency vehicle.

5.2.5 Consideration for adoption will rely on a number of factors such as public utility, construction details, drainage and street lighting. Planning permission will not prejudice any future decision by the highways authority in regard to whether the site is suitable for adoption. Full consideration regarding adoption of the site will only be considered following a S.38 submission. Should the site be adopted, the limit of adoption would terminate at the turning head as access to the parking bays would be considered to be private drives.

5.2.6 The applicant will need to contact City Services to facilitate a S.111/278 agreement in regard to works required to form the access within the adopted highway. No works can take place within the highway until this agreement is in place and final approval provided by the highways authority.

5.2.7 A tactile crossing point will be required at the new junction. This can be provided as part of the highways agreement required to facilitate the access.

- 5.2.8 The proposal will require the relocation of the bus stop on Gaer Road. The Integrated Transport Unit (ITU) have advised that the relocation of the bus stop is acceptable in principle. The applicant will need to contact the ITU should planning approval be granted to agree the final location of the bus stop. The developer must meet the full cost of relocating the bus stop.
- 5.2.9 Should the application be approved a condition should be attached requiring the submission of a CEMP which must cover both the demolition and construction phase. It must include such details as wheel wash facilities, dust suppression, contractor parking and contractor compound. In addition it must include a traffic management plan which restricts any construction deliveries so that they don't conflict with the start and finish times associated with the local school.
- 5.2.10 Suitable drainage must be employed to prevent surface water run off onto the adopted highway.
- 5.3 HEAD OF STREET SCENE (WASTE): in its current form it is unlikely that the entire road would be to adoptable standards, particularly where the pavements stop next to the proposed parking spaces, it may be that only a portion of the road could be adopted. Not sure how/when we would get confirmation of any adopted section? If it is going to be adopted then there'll be no issues but should it not get adopted then the residents would have to present their receptacles out by highway.
- 5.4.1 HEAD OF STREETSCENE (LANDSCAPE OFFICER): Objection – based on unjustified removal of trees to south boundary, lack of a detailed planting plan, no levels information for a sloping site. Note that the following points were also made at pre-application stage.
- 5.4.2 A professional tree survey has now been provided but does not show the impact of the development. Tree losses are significant. Across the site 29 trees of varying size and quality are proposed for removal, with 1 no replacement tree proposed. I understand there is an informal agreement for off-site planting however this will not address the landscape issues at this site. The loss of trees 14-22 along the south boundary is not justified in any submitted information and the loss will impact on the street scene and neighbouring property. A Tree Impact Assessment should be provided. Layout changes to accommodate tree retention to the north area welcome. No levels are shown on the layout plan. The site has challenging levels and regrading, possibly retaining structures will be required.
- 5.4.3 The layout plan shows indicative planting but this is insufficient to meet the requirements of GP5 General Development Principles – Natural Environment vi: 'the proposal includes an appropriate landscape scheme.....'. A detailed planting plan is required, to be provided by a professional landscape architect input to help identify site assets and constraints. There is a large area of open space to the south which requires detailing and there is scope for planting to the east boundary rear garden fence line which will soften views in from existing residents. A maintenance and management plan is required for new and existing vegetation. The building set back line is confirmed at between 2.1 and 2.3m from the back of public pavement. This is much closer than other buildings in the area. No frontage hedge is proposed and bins will be on full view to the street.
- 5.5 HEAD OF STREETSCENE (ECOLOGY OFFICER): requested the submission of a bat survey which was subsequently submitted in June 2019. In relation to this survey, the ecology officer advised that the survey has been undertaken by a suitably experienced ecologist, and in suitable conditions. The building is confirmed as an occasional roost for a low number of soprano pipistrelle bats; a licence and method statement will be required. In line with guidance issued by Welsh Government, the information note below must be included on any permission granted.

**WG Bat Licence Informative**

**Warning: A European protected species (EPS) Licence is required for this development.**

This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or

destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

Mitigation will be required to compensate for the loss of the roost. Suitable mitigation is included in Section 7 of the submitted report, which should be secured with the following condition:

‘Works shall be undertaken in accordance with Section 7 Recommendations of the submitted report “Former Hillside Care Home, Gaer Road, Newport. Bat Survey, Issue 2, Version A. Produced by BE Ecological Ltd. Dated June 2019”. The mitigation shall be implemented in full and any subsequent amendments provided to the Local Planning Authority for record and enforcement purposes.’

**Reason:** To safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

- 5.6 HEAD OF REGENERATION, INVESTMENT AND HOUSING (HOUSING MANAGER): fully supports the proposal. The site currently houses a former care home which was closed a few years ago. The Pobl Group, a partner agency of the Council, is proposing an affordable housing development on this site. The development would provide 4 flats and the remaining units family housing which addresses the housing need for this area of the City. The properties will be built to the appropriate Welsh Government standards, be neutral tenure and allocated through the Common Housing Register. The development compliments the new over 55's provision at Bryn Gaer.
- 5.7 HEAD OF LAW AND REGULATION (PUBLIC PROTECTION): recommends permission is granted subject to conditions relating to contamination and a construction management plan. With respect to the air quality SPG, the development is not within an AQMA or AQMA planning buffer, nor will it generate a significant volume of road traffic. Therefore no air quality assessment is required. To encourage the uptake of zero emission vehicles in an effort to improve air quality and reduce carbon emissions it is recommended a number of parking spaces are installed with electric vehicle charging points. Cabling can be provided to an additional number to allow for further charging points to be installed in the future.
- 5.8.1 HEAD OF STREETSCENE (TREE OFFICER): No objections. Whilst there are concerns about the number of trees being lost from the site, the Himalayan birches are the best trees on site aesthetically with their striking pinky/ white bark. Whilst they are noted for this within the submitted Tree Report some structural deficiencies are also mentioned.
- 5.8.2 The proposed development would retain the three Himalayan Birch trees known as G1 on the tree report together with the two silver birch to the rear known as T4 and T5 on the tree report. These trees merit protection by a Tree Preservation Order (TPO). The two Himalayan Birch (T13 and T14) have below average/ average form respectively and would need to be removed for the proposed development to go ahead.
- 5.8.3 The remaining trees e.g. rowan, upright cherries, horse chestnut have either poor form or structural defects. These trees would not be viable candidates for a Tree Preservation Order. Whilst some of the trees are not worthy of a TPO, they have an aesthetic quality and add to the overall character and landscaping of the existing site.
- 5.8.4 Therefore, a pragmatic approach has been taken to ensure compensation for the aesthetic loss of the trees by way of off-site planting although this is not a material planning consideration. This has been agreed with POBOL and the Local Authority and falls outside of the planning parameters.

- 5.8.5 Conditions are requested to provide a tree protection plan, root protection barriers and the employment of an arboriculturalist to oversee the project.
- 5.9 HEAD OF REGENERATION, INVESTMENT AND HOUSING (SECTION 106 OFFICER): 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 (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 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 Gaer Primary School and Ysgol Gynradd Gymraeg Bro Teyrnnon. 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 Gaer Primary School and Ysgol Gynradd Gymraeg Bro Teyrnnon.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 play provision within the Gaer 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' houses (prior to commencement of development) x £2,429;
- Number of three bed 'open market' houses (prior to commencement of development) x £3,643

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)

## **6. REPRESENTATIONS**

6.1 NEIGHBOURS:

All properties within 50m of the application site were consulted (90 properties), a site notice displayed and a press notice published in South Wales Argus. Comments have been received from 2 neighbours as follows:

- 6.2.2 Concern about the impact of vehicles during the demolition and construction phases and the potential for vehicles to exceed weight limits and speed limits and the resulting danger posed, given the proximity of a local school.
- 6.2.3 **Parking**  
The applicant's "parking calculations" refer to buses and a train station summing up that people will use these forms of transport. I disagree totally, if a person wants a car, they will have one, whatever other transport modes are available. There are only 26 parking spaces, for a potential of 72 people maybe owning a car. The doctors surgery opposite my house (not the health centre) causes parking problems outside my house. Parents park here for school which is up the footpath next to my house. I have had to ask a passer-by, to help me get out on the road, as it is impossible to see what is coming either way. I dread to think what will happen with only 26 places.
- 6.2.4 **BUS STOP**  
Concern about the proposal to move the bus stop on a bend close to a junction which could be dangerous. Concerns about the possible loss of the bus stop.
- 6.2.8 **ENTRANCE ROAD**  
The road at the side of health centre and around the back of houses should be retained. This would mean that the bus stop could stay put, and reduce parking loss on the road.
- 6.2.9 **DRAINAGE**  
Under the topsoil is MARL ROCK, which will not drain the water from the soakaways. As we are lower, we could have water coming down on to our property.
- 6.2.10 **TREES**  
We would like any trees our side to be evergreen, as we have all the leaves from Hillside coming into our garden.
- 6.2.11 I have noticed that one drawing differs from main plan with regards to parking spaces and flats.
- 6.2.12 We have lived here since 1981, and seen the surgery, and St Martins Court surround us, although we were told when we purchased this from Newport Council, that nothing would be built here!!! It was one of the reasons we bought it. We wish to protect our privacy and want the least impact on our home. Having been here for 40 years, we want to retain what we have at present.
- 6.2.13 The Practice Manager of Gaer Medical Centre has stated that the centre has a patient and staff car park and confirmation is requested that this development will not affect this car park. We have experienced issues with contractors working in the area in the past blocking and using this parking facility and would like to ensure we do not experience any further issues.

## **7. ASSESSMENT**

- 7.1 The site is currently owned by the Council but is being sold to Charter Housing. It previously comprised over 55 residential accommodation. The building on the site, which is currently vacant, is proposed to be demolished.
- 7.2 Gaer Road runs down hill from north to south. The ground floor of the existing building is largely obscured from Gaer Road. The site has a number of trees along the western frontage with Gaer Road and within the southern portion of the site.
- 7.3 The building fronts onto Gaer Road. Directly to the north of the site is a health clinic and to the north of that is Centrica Lodge, a residential care home. To the east of the site is a residential estate known as Melfort Gardens. To the south is a private dwelling known as Gaer Fach Lodge.

7.4 The application has been submitted by POBL Chartered Housing Association. The scheme is for 100% affordable housing. It is proposed to erect 14 residential units on the site. On either side of the proposed access, a frontage of two storey dwellings would be constructed. Towards the north eastern portion of the site, two blocks of semi-detached dwellings would be constructed with a block of four flats constructed towards the south eastern portion of the site. The housing mix would be as follows:

- 2 No. 4 person 2 bed units
- 8 No. 5 person 3 bed units
- 4 No. 2 person 1 bed units.

7.5 An area of public open space is proposed in the north western part of the site close to the health surgery. It is proposed to relocate the existing bus stop on Gaer Road which is currently located in front of the application site to an area in the north western part of the site.

7.6 The site would be considered brownfield within the settlement boundary and so the proposal is acceptable in principle.

**7.7 Access arrangements**

7.7.1 A new access would be created off Gaer Road which would lead to a turning head and private parking courts with 22 spaces.

7.7.2 The initial layout demonstrated that 2.4 x 37m visibility splays would be achievable. The Council's highways officer commented that in accordance with Manual for Streets, an access onto a 30mph road would require visibility splays of 2.4 x 43m. However, the highway officer suggested that visibility would be available in excess of 37m, but for clarity, the applicant must amend the visibility splays to reflect this. A revised site layout has subsequently been submitted indicating visibility splays of 2.4 x 43m in both directions.

7.7.3 The Council's highway officer expressed concern that the proposed stopping up of the access that currently serves the site may affect servicing arrangements for the neighbouring health clinic and Centrica Lodge. However, the agent has confirmed that the car park did not serve the health clinic or Centrica Lodge. The health clinic has no rear access to the building and the closure would not affect the parking arrangements serving Centrica Lodge.

7.7.4 The highways officer requested a swept path analysis to demonstrate that the turning head is suitable to accommodate the turning manoeuvres associated with a refuse vehicle and emergency vehicle. A swept path analysis has been submitted and the comments of the highways officer were awaited at the time of writing this report.

**7.8 Parking provision**

7.8.1 The site is located in parking zone 3 and the Parking Standards SPG requires 1 space per bedroom (maximum of 3 spaces) and 1 space per 5 units for visitor parking. The development therefore generates a parking demand of 34 spaces at a ratio of 1 space per bedroom plus 2 visitor spaces. The application has been accompanied by a sustainability assessment which scores a total of 10 points. This justifies a reduction in demand for parking by 2 parking spaces per unit, although this cannot result in less than one space per unit.

7.8.2 In summary, only 16 parking spaces are required and 22 are proposed, so there would be an excess of parking provision within the site (see table below).

	Unit type	No. of units	Parking demand	Parking demand (sustainability test)
	2 bed	2	4	2
	3 bed	8	24	8
	1 bed	4	4	4
<b>Total</b>			32	14
<b>Visitor</b>			2	2
<b>Grand total</b>			34	16

**7.9 Public transport**

The proposal would require the relocation of the bus stop on Gaer Road to make way for the proposed access. The site layout plan indicates that the bus stop would be relocated in the north western corner of the site close to the existing access junction. The Integrated Transport Unit (ITU) have advised that the relocation of the bus stop is acceptable in principle. The applicant will need to contact the ITU should planning approval be granted to agree the final location of the bus stop. The developer has to meet the full cost of relocating the bus stop.

## 7.10 **Density of development**

7.10.1 Policy H3 'Housing Mix and Density' of the Local Development Plan states that:

'Residential development of 10 dwellings or more should be designed to provide a mix of housing to meet a range of needs and should be built at a density of at least 30 dwellings per hectare. A lower density will only be acceptable where it is demonstrated:

- i) physical or infrastructure constraints prevent the minimum density from being reached, or;
- ii) the minimum density would have an unacceptable impact on design/character of the surrounding area, or;
- iii) there is a particular lack of choice of housing types within a local community.

7.10.2 The site has an area of 0.37 ha and it is proposed to construct 14 dwellings, and so the development has a proposed density of 38 dwellings to the hectare and so this accords with the requirements of this policy of a minimum of 30 dwellings to the hectare. The development would have a relatively high density but this would not be out of keeping with the area. The site is located in a sustainable location close to facilities and public transport links. The layout has been planned to provide adequate amenities for future occupiers.

## 7.11 **Visual impact**

7.11.1 The area is largely residential in character. Opposite the site, there is a three storey block of flats. Surrounding the site, there are mostly two storey dwellings finished in brickwork or render.

7.11.2 The proposed dwellings would comprise two storey buildings finished in roof tiles and white rough cast render to the front and brickwork to the sides and rear. The development would have a strong frontage adjacent to Gaer Road. The development would have an acceptable impact in design terms.

## 7.12 **Residential amenities**

7.12.1 The proposed dwellings would have a reasonable proportion of outdoor amenity area and a good standard of internal accommodation. There is a 21 metre separation distance between the proposed dwellings adjacent to Gaer Road and the proposed dwellings at the rear, in accordance with the Council's SPG.

7.12.2 Following a request, the agent submitted an amendment to the layout pushing the dwellings further westwards, to provide slightly longer rear gardens, to minimise the degree of overlooking into neighbouring rear gardens in Melfort Gardens. Whilst the rear gardens of Plots 9 and 10 would be 9.5 metres in length, which falls slightly short of the Council's standard 10 metre depth, this shortfall is not considered sufficiently harmful to warrant refusing the application, given the high density nature of the area and the overall benefits of the scheme in providing modern affordable homes.

7.12.3 The proposed flats (13/14) situated in the south eastern corner of the site would be sited 13 metres from the rear elevation of the existing properties at 33 to 36 Melfort Gardens. This falls slightly short of the 14 metre distance required by the Council's SPG on New dwellings. However, the flats would be offset from the rear elevation of 33 Melfort Gardens and the 25 degree test from the window of that property would pass comfortably. It is therefore not considered that these flats would have an overbearing impact on the properties in Melfort Gardens.

## 7.13 **Landscaping, trees and public open space**

The site currently has a number of trees located along the western and southern boundaries of the site which currently contribute positively to the street scene on Gaer Road. The landscape officer has expressed concerns about the loss of these trees. However, the

Council's tree officer has raised no objection, subject to the retention of trees in the north western part of the site. An area of public open space is to be created to enable these trees to be retained. It is considered on balance that to enable the site to be redeveloped and ensure the provision of affordable housing, the development is acceptable. A condition requiring a landscape scheme can be imposed to ensure that the site is completed in a satisfactory manner and the loss of existing planting can be mitigated.

#### 7.14 Ecology

A bat survey has been undertaken which suggested a number of mitigation measures, which can be secured by condition. These measures are:

1. Temporary mitigation prior to demolition of the building, with the provision of a Schwegler 1FF. This would be retained on site following completion of works as a form of ecological enhancement.
2. Permanent mitigation in the form of 2 No. Schweglar 2fr Bat tubes which would be installed in the southern elevation of the new build (Plot 6).
3. The applicant has offered to also install 2 No. Schweglar nO. 16 swift boxes on the eastern (rear) elevation of the new build (Plot 11-14).

#### 7.15 Section 106 Planning Obligation matters

7.15.1 In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011-2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location.

7.15.2 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.

#### 7.15.3 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 (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 most up-to-date Affordable Housing SPG) for the provision of affordable housing for the City of Newport.

#### 7.15.4 Education

The development falls within the catchment area of John Frost High School and Gaer Primary School and Ysgol Gynradd Gymraeg Bro Teyrnnon. 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 Gaer Primary School and Ysgol Gynradd Gymraeg Bro Teyrnnon.x £16,115 = Primary Education Sum.

7.15.5 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)

#### 7.15.6 Leisure

There is a deficit of equipped play provision within the Gaer 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' houses (prior to commencement of development) x £2,429;
- Number of three bed 'open market' houses (prior to commencement of development) x £3,643.

7.15.7 Section 106 planning obligations would normally be required to mitigate the impact of the development in accordance with the table below. However, as this scheme is for 100% affordable housing, these requirements are waived. However, a section 106 agreement has to be signed by the applicant to require these contributions to be made in the event that the properties are sold on the private market.

<b>Service Area that requires planning obligation</b>	<b>Purpose of planning obligation</b>	<b>Planning obligation initially sought by Planning Authority</b>	<b>Summary Heads of Terms agreed by applicant(s)</b>	<b>Viability Issues?</b>
Regeneration, Investment and Housing	Affordable housing	30% affordable housing	Minimum of 30% affordable housing	No
Education	Improvements to primary education	Number of primary pupils generated by market dwellings in excess of available capacity at Gaer Primary School and Ysgol Gynradd Gymraeg Bro Teyrnion x £16,115	Number of primary pupils generated by market dwellings in excess of available capacity at Gaer Primary School and Ysgol Gynradd Gymraeg Bro Teyrnion x £16,115	No
Education	Improvements to secondary education	Number of secondary pupils generated by market dwellings in excess of available capacity at John Frost High School x £15,302	Number of secondary pupils generated by market dwellings in excess of available capacity at John Frost High School x £15,302	No
Education	Improvements to post 16 education	Number of post 16 pupils generated by market dwellings in excess of available capacity at John Frost High School x £16,427	Number of post 16 pupils generated by market dwellings in excess of available capacity at John Frost High School x £16,427	No
Leisure	Contribution towards equipped play provision within Gaer ward	Number of two bed 'open market' houses x £2,429	Number of two bed 'open market' houses x £2,429	No
Leisure	Contribution towards equipped play provision within Gaer ward	Number of three bed 'open market' houses x £3,643	Number of three bed 'open market' houses x £3,643	No

7.15.8 As the Council currently owns the land, it cannot enter into a legal agreement with itself in relation to the matters above. However, it is possible for the Council to grant planning permission for a development without the need for a Section 106 agreement to be signed prior to a decision being issued. A condition is imposed requiring the applicant to sign a Section 106 agreement based on the Heads of Terms outlined in the table 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.

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 comprises development on previously developed land within the urban area and so is acceptable in principle. The proposal is acceptable in highway terms and in terms of impact on neighbouring occupiers. The scheme provides an acceptable level of amenity for future occupiers. The development comprises affordable housing, but in the event that any dwellings are sold off privately in future years, a legal agreement will need to be signed by the developer.

## **10. RECOMMENDATION**

### **GRANTED WITH CONDITIONS**

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

- site location plan Rev A
- planning, design and access statement by Kew Planning
- Pre-application consultation report by Kew Planning
- Site Plan and block plan (A001 Rev A) by Rockfield Architecture
- Proposed site layout (A002 Rev D) by Rockfield Architecture
- Proposed elevations (FT1, HT1, HT2) by Rockfield Architecture
- Street scene (A003) by Rockfield Architecture
- Site sections (A004) by Rockfield Architecture
- Drainage scheme by CD Gray
- Tree Report by Steve Ambler Associates
- Car Parking Calculation

- Vehicle tracking drawing 003 P2
- Bat survey Issue 1 Version B February 2019 undertaken by Be Ecological Ltd
- Bat survey Issue 2 Version A June 2019 undertaken by Be Ecological Ltd

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- demolition conditions**

02 Prior to the commencement of any development (including demolition works, piling, excavation or construction works), a Demolition and 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. Details shall include the provision of wheel washing facilities. Measures to minimise the impact on air quality should include HGV routes avoiding Air Quality Management Areas and avoid vehicle idling. The Plan shall also include details of transport and pedestrian management, including the location of a site compound, provision of contractor parking and means of enclosure to restrict public access to the site. A traffic management plan shall restrict any construction deliveries to prevent conflict with the start and finish times associated with the local school. 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 residential amenity and highway safety – Policies GP2 and GP7 of the Newport Local Development Plan.

03 No development, to include demolition, shall commence until a Tree Protection Plan (in accordance with BS 5837:2012) has been implemented in accordance with the tree information submitted by Steve Ambler Associates November 2018. The development shall be carried out in accordance with the approved Tree Protection Plan.

Reason: To protect important landscape features within the site - Policy GP5 of the Newport Local Development Plan.

04 No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until the Root Protection Barrier fencing has been installed in accordance with the approved Tree Protection Plan. No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area. Erect all weather notices on Heras fencing, 1 per 10 panels, stating 'CONSTRUCTION EXCLUSION ZONE NO ACCESS'. The fencing shall be retained for the full duration of the development, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To protect important landscape features within the site - Policy GP5 of the Newport Local Development Plan.

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

- (a) Supervision and monitoring of the approved Tree Protection Plan;
- (b) Supervision and monitoring of the approved tree felling and pruning works;
- (c) Supervision of the alteration or temporary removal of any Barrier Fencing;

- (d) Oversee working within any Root Protection Area;
- (e) Reporting to the Local Planning Authority;
- (f) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Council's Tree Officer.

Reason: To protect important landscape features within the site - Policy GP5 of the Newport Local Development Plan.

06 Both the temporary and permanent bat and bird mitigation and enhancement measures shall be undertaken in accordance with Sections 5.3 and 7 Recommendations of the submitted report "Former Hillside Care Home, Gaer Road, Newport. Bat Survey, Issue 2, Version A. Produced by BE Ecological Ltd. Dated June 2019". The mitigation shall be implemented in full and retained in perpetuity. Any subsequent amendments provided to the Local Planning Authority for record and enforcement purposes.

Reason: To safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) - Policy GP5 of the Newport Local Development Plan.

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

Reason: To ensure that the required planning obligations are secured - Policy SP13 of the Newport Local Development Plan.

#### ***Pre- commencement conditions***

08 No development (excluding demolition works) shall take place until a replacement bus stop has been provided in accordance with a scheme which shall have previously been submitted to and agreed in writing with the Local Highway Authority.

Reason: To secure a suitable replacement bus stop to ensure a continuation of the public transport facility - Policy GP4 of the Newport Local Development Plan.

09 Prior to commencement of development, a scheme for the provision of Ultra Low Emission Vehicle electric charging points within the development shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be implemented in full prior to first beneficial occupation of any dwellings.

Reason: In the interests of sustainable travel, in accordance with policies SP1, GP2 and GP7 of the Newport Local Development Plan.

10 Prior to the commencement of development (excluding demolition works), full details of site levels including cross sections shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason: In the interests of visual and residential amenity - Policy GP5 of the Newport Local Development Plan

11 Prior to the commencement of development (excluding demolition works), a landscaping and tree planting scheme indicating the number, species, heights on planting and positions of all trees and shrubs scheme shall be submitted to and agreed in writing by the Local Planning Authority. The agreed 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 and ensure that the site is landscaped in a satisfactory manner - Policy GP5 of the Newport Local Development Plan.

12 No residential unit shall be occupied until the access and parking spaces shall have been completed in permanent materials in accordance with the plans hereby approved. The parking spaces shall be retained for such purposes in perpetuity.

Reason: In the interests of highway safety and residential amenity - Policy GP4 of the Newport Local Development Plan.

**General conditions**

13 No development above ground floor slab level shall commence until details or samples of materials to be used in the construction of the external surfaces of the residential units hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: In the interests of visual amenities - Policy GP6 of the Newport Local Development Plan.

14 Boundary treatments shall be implemented in accordance with full details which shall have first been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenities - Policy GP6 of the Newport Local Development Plan.

15 Waste storage facilities shall be implemented in accordance with full details which shall have first been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenities - Policy GP6 of the Newport Local Development Plan.

16 Surface water flows from the development shall only communicate with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 5l/s.

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 - Policy GP3 of the Newport Local Development Plan.

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

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed - Policy GP7 of the Newport Local Development Plan.

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

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed - Policy GP7 of the Newport Local Development Plan.

**NOTES TO APPLICANT**

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP4, SP8, SP9, SP10, SP13, SP18, GP1, GP2, GP3, GP4, GP5, GP6, GP7, CE2, CE6, H1, H2, H3, H4, T4, CF4, W2 were relevant to the determination of this application in addition to Supplementary Planning Guidance: New Dwellings, Parking Standards, Archaeology and Archaeologically Sensitive Areas, Planning Obligations, Wildlife and Development.

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 applicant/developer is advised that 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. A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The proposed development is crossed by a decommissioned 5 inch watermain. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. To ensure an adequate mains water supply to service this development, a booster pump will need to be installed and associated watermains laid to the development site. Costs and the future maintenance will be the developer's responsibility. For further advice contact Dwr Cymru Welsh Water on 01443 331155.

04 The applicant/developer is advised to ensure that provision is made for access to water supply for firefighting purposes.

**05 Warning: A European protected species (EPS) Licence is required for this development.** This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

06 The 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.

## **APPENDIX - HEADS OF TERMS (CONDITION 7 OF PLANNING PERMISSION 19/0009)**

### **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 (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 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 Gaer Primary School and Ysgol Gynradd Gymraeg Bro Teyrnnon. 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 Gaer Primary School and Ysgol Gynradd Gymraeg Bro Teyrnnon.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 play provision within the Gaer 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' houses (prior to commencement of development) x £2,429;
- Number of three bed 'open market' houses (prior to commencement of development) x £3,643

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)

**APPLICATION DETAILS**

**No:** 19/0350      **Ward:** GRAIG

**Type:** FULL

**Expiry Date:** 8-July-2019

**Applicant:** NEWPORT NORSE

**Site:** BASSALEG SCHOOL, FORGE ROAD, BASSALEG, NEWPORT, NP10 8NF

**Proposal:** ERECTION OF DEMOUNTABLE CLASSROOM UNIT ON EXISTING HARD STANDING

**Recommendation:** GRANTED WITH CONDITIONS

**1. INTRODUCTION**

- 1.1 This application seeks consent to install a single storey demountable building, external ramps and associated landscaping in the grounds of Bassaleg School in the Graig Ward. The proposed building would have a rectangular shape, measuring 9.8m x 7.2m and have a shallow pitched roof, reaching 5.8m to the eaves and 6.3m to the ridge. The finished floor level of the building would be 30cm above ground level and an external ramp would be situated at either end of the building.
- 1.2 The application is brought before Planning Committee as it relates to a Council owned site.

**2. RELEVANT SITE HISTORY**

93/1181	ERECTION OF DEMOUNTABLE CLASSROOM EXTENSION	Granted
97/0532	REPLACEMENT OF TWO SINGLE CLASSROOM DEMOUNTABLES WITH ONE DOUBLE CLASSROOM DEMOUNTABLE	Granted with Conditions
02/0594	CONSTRUCTION OF 2 NO. DOUBLE CLASSROOM DEMOUNTABLES	Granted with Conditions
03/0776	ERECTION OF 1NO. DOUBLE DEMOUNTABLE CLASSROOM	Granted with Conditions
03/0956	ERECTION OF DOUBLE DEMOUNTABLE CLASSROOM UNIT	Granted with Conditions
09/0796	ERECTION OF SINGLE STOREY PITCHED ROOF BUILDING TO PROVIDE CLASSROOMS	Granted with Conditions
10/0826	REPLACEMENT OF EXISTING 1.4M HIGH VERTICAL BAR FENCING WITH 2.4M HIGH VERTICAL BAR FENCING TO FRONT (CAERPHILLY ROAD) ELEVATION	Granted with Conditions
12/0617	ERECTION OF EXTENSION TO EXISTING CLASSROOM BLOCK TO PROVIDE 2NO. ADDITIONAL CLASSROOMS	Granted with Conditions
15/1009	REPLACEMENT BOUNDARY FENCE AND GATES	Granted with Conditions

**3. POLICY CONTEXT**

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

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

Policy **SP4 Water Resources** favours developments that minimises water consumption, incorporates SUDs and generally manages water resources and drainage effectively.

Policy **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.

Policy **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.

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 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 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.

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

Policy **CF1 Protection of Playing Fields, Land and Buildings Used for Leisure, Sport, Recreation and Play** states application for the redevelopment of all playing fields and areas used for recreational play will only be permitted where, alternative provision of the same benefit is available or the land/building is surplus to requirement.

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

- Parking Standards SPG
- Air Quality SPG

## 4. **CONSULTATIONS**

### 4.1 DWR CYMRU/WELSH WATER: No objections

SEWERAGE: We can confirm capacity exists within the public sewerage network in order to receive the foul only flows from the proposed development site.

We note in section 11 of the planning application form that the applicant 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 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.

Condition: No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to 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](http://www.dwrcymru.com)

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.

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 WALES AND WEST: We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned may be present in this area. NO EXCAVATIONS ARE TO TAKE PLACE ABOVE OR WITHIN 10m OF THE CONFIRMED POSITION OF THESE MAINS WITHOUT PRIOR CONSULTATION WITH WALES & WEST UTILITIES.

**[NB the building is approximate 60m from the closest Low Pressure Network and 210m from the Intermediate Pressure Network]**

## 5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF CITY SERVICES (HIGHWAYS): Further to my consultation response of 7 May additional information has been received. It has been confirmed that the increase in pupil numbers is due to a "spike" in year 7 (11 year old) pupils. This would not result in an immediate increase in 17+ year olds. Whilst the "spike" will run through the system and may in some 6 years' time affect numbers of 17+ year olds it is not considered reasonable to account for such a distant event when considering this current application. Given that the proposal would not result in an increase in teaching staff I would offer no objection.

I'm not aware of a policy requiring dedicated school drop-off and pick-up parking (school buses excepted). These issues as raised by the letter of objection would be beyond the scope of the application.

- 5.2 HEAD OF REGENERATION AND REGULATORY SERVICES (PUBLIC PROTECTION MANAGER): The proposed development is relatively minor. An air quality assessment wouldn't be able to demonstrate an adverse impact – nor is it exposing new site users to an area of existing poor air quality. I have no concerns with regards to air quality.

## **6. REPRESENTATIONS**

### **6.1 NEIGHBOURS:**

Two site notices were displayed (18 April 2019) adjacent to the application site. Two letters of representations were received:

#### Objection on behalf of Court Crescent and Forge Lane Residents Committee:

Traffic and parking associated with the school in Court Crescent and Forge Lane is already a major problem for residents. The objection is not the extension of pupil numbers, but the impact that the increase in traffic will have on the surrounding infrastructure and residents.

Caerphilly Road is an Air Quality Management Area (AQMA). The increase in traffic will further impact on the AQMA to the detriment of pupils and residents health.

The proposed increase in pupil numbers will increase traffic and exacerbate parking problems:

- There is no transport strategy for the school,
- There is no parking and drop off area for pupils with the school grounds,
- No clear marshalling of pupils entering the school.

#### Anonymous:

The addition of an extra classroom would cause overcrowding in the school, prejudicing pupils already at the school.

If schools in the East of Newport and Risca Schools have spare capacity perhaps its suggested there should be a review of school catchment areas and/or attending Risca Comprehensive in a similar way to Monmouthshire pupils attending Caerleon or Ysgol Gyfun Gwent Is Coed.

I am unsure how 1 additional classroom can meet growing demand for places. The number of children in Newport is growing. If 30 extra places are required this year, they will also be required in subsequent years. Until the school is redeveloped a new classroom will be required each year. This would increase pressure on already overcrowded school facilities.

I feel that a cross Newport approach is required to ensure school catchments are appropriate, in order that school resources are used as efficiently as possible.

6.2 GRAIG COMMUNITY COUNCIL: The Council fully supports this application.

## **7. ASSESSMENT**

7.1 This application seeks consent to install a single storey demountable classroom building in the grounds of Bassaleg School. The school comprises of a number of permanent buildings and temporary modular buildings that have been constructed on the site over many years.

7.2 The proposed building would have a rectangular shape, measuring 9.8m x 7.2m with a shallow pitched roof, reaching a maximum of 6.3m in height. The building would be partially sited on an existing hardstanding and a small grassed amenity area between existing buildings centrally within the site. The entrances to the building would be located on the north and south elevations with a window installed in the east and west elevations. Access ramps with railings (7.2m x 1.7m) would be installed either end of the building. An existing pathway would be widened connecting to the north ramped access.

7.3 The applicants state the building is required as a temporary measure to address an immediate demand for additional accommodation and will eventually be replaced as part of the authorities "Band B 21st Century Schools" improvement program.

7.4 Since this proposal would be in connection with an existing school which is located within the urban boundary, the provision of additional facilities to support this use is, in principle, broadly acceptable. There is however a requirement to satisfy a number of relevant planning policies and material considerations. These will now be assessed in turn.

### Design and Character of the Area

- 7.5 The site itself is enclosed. The building would be set within extensive grounds and seen in the context of existing school buildings which are greater in scale and size. From outside the school grounds distant views from the north and west would be possible across the school playing fields.
- 7.6 The proposed building would be based on a rather simple shape and utilitarian design and appearance. It would be externally finished in low-key materials and colours, namely light green walls, grey roof and red doors. Windows and rainwater goods would be externally finished in white uPVC. It would have a shallow pitched roof, thereby reducing its overall scale and massing. Having regard to the proposed development and the site context, it is considered that the proposed development would not have any significant effect on the visual amenities of the area, thereby satisfying Policy GP6.

### Highways

- 7.7 The Highways Engineer acknowledges the existing concerns raised in regard to school drop-off and pick-up parking. However, this application is for one 9.8m x 7.2m classroom. The applicant has confirmed:

- The increase in pupil numbers is due to a “spike” in year 7 (11 year old) pupils and
- The proposal would not result in an increase in teaching staff

- 7.8 As such the Highways Engineer considers that in accordance with the Newport City Council Parking Standards SPG the proposed building would not result in an increase in parking demand over and above the existing demand and has not raised any objection to the proposed classroom with regards to highway safety or parking.

### Residential and General Amenity

- 7.9 The nearest residential property is sited approximately 165 metres from the proposed single storey building. It is not considered that it would have an unacceptable impact on the amenity of neighbouring occupiers in terms of loss of light or overbearing impact.
- 7.10 Whilst the proposed building would increase the intensity of use in this part of the site, it is considered that any increased noise generated, particularly at break times and at pick-up and drop-off would not result in an unacceptable impact to residential amenity. This is due to the use being confined to term-time day-time and not for protracted periods.

### Air Quality

- 7.11 Caerphilly Road has an Air Quality Management Area (AQMA) approximately 160 metres north of the site. However the site is not within an AQMA buffer zone. The Public Protection Manager has not raised any objection or concerns with regards to air quality.

### Recreation and Play Space

- 7.12 Whilst some outdoor green space would be lost as a result of the proposal, this small (9m x 6m) patch of grass is not used as part of the playing fields / recreation area. There is considered to be adequate play provision for both the new classroom and existing school building with yards and playing fields remaining available. It has also been confirmed by the applicant that the area is surplus to requirements as adequate play space would be retained to meet the current standard. Having regard to the above the proposal is considered to comply with policy CF1.

### Drainage

- 7.13 The 55% of the demountable building and associated works would be sited on an existing impermeable hard standing yard, with the remained on an existing grassed area. Welsh Water have originally expressed concerns that surface water would be deposited of via the main sewer. The applicants have now confirmed in writing that the surface water arising from the development would be collected by a series of rainwater goods and then discharge into stream alongside the bank as the existing buildings do. IN addition they have submitted Tender Drawing indicating this. They have confirmed the onsite drainage has sufficient capacity.

- 7.14 Foul water would be disposed of via the existing system and Welsh Water has no objections to the proposal subject to advisory notes. It is therefore considered that the proposal satisfies Policies SP4 and GP3.

Other Matter raised

- 7.15 Objector's comments regarding overcrowding and catchment areas are not material planning consideration and have been passed to the Education Officer.

## 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 Having regard to policies SP1, GP1, GP2, GP4 GP5, GP6, GP7 and T7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015), it is considered that the proposed classroom and associated works would be acceptable in terms of its size, design and impact on the character of the local area. There is not considered to be any detrimental impact on neighbours amenity or highway and pedestrian safety. As such, it is recommended that planning permission is granted with conditions.

## 10. RECOMMENDATION

### GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents NPS-DR-A-(\*\*)-002-P1, NPS-DR-A-(\*\*)-020-P1 and NPS-DR-A-(\*\*)-001-P1  
Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

#### NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, GP1, GP2, GP4 GP5, GP6, GP7 and T7 were relevant to the determination of this application.

02 No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage will be allowed to drain directly or indirectly to 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

03 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](http://www.dwrcymru.com)

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

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**APPLICATION DETAILS**

**No:** 19/0486      **Ward:** ALWAY

**Type:** RENEWALS AND VARIATION OF CONDITIONS

**Expiry Date:** 07-JUL-2019

**Applicant:** JAG GILL, SNAP FITNESS CLUBS

**Site:** 372, CHEPSTOW ROAD, NEWPORT, NP19 8JH

**Proposal:** REMOVAL OF CONDITION 04 (RESTRICTION OF OPENING HOURS) OF PLANNING PERMISSION 17/0606 FOR USE OF PROPERTY FOR RETAIL (A1) OR A GYM (D2)

**Recommendation:** GRANTED WITH CONDITIONS

**1. INTRODUCTION**

- 1.1 Planning permission was granted in November 2017 for the use of the property for either retail (Use Class A1) or D2 (Assembly and Leisure) at 372 Chepstow Road and the property is currently operating as a gym.
- 1.2 The opening hours were restricted to between 6am to 11pm Sunday to Thursday and 6am to 1am on Fridays and Saturdays in the interests of neighbouring amenity. The applicant wishes to remove the condition to enable the gym to operate 24 hours a day, seven days a week. The main considerations of this application therefore relate to impact on neighbouring residential amenity and the character of the area and parking.
- 1.3 The site is located within the Alway Ward but is also near to the boundary with Beechwood. The application is being reported to Committee at the request of Councillors Harvey, Truman and Guy.

**2. RELEVANT SITE HISTORY**

94/1104	RETENTION OF USE OF OFFICE AS CAR RENTAL RECEPTION	Refused
95/0927	CERTIFICATE OF LAWFULNESS FOR PROPOSED CHANGE OF USE TO TOOL AND EQUIPMENT SHOWROOM FOR TRADE AND RETAIL SALES. ( WITH OFFICES AND WAREHOUSE)	Granted
97/0180	ALTERATIONS TO FORM SHOP FOR THE HIRE OF SMALL TOOLS AND OTHER EQUIPMENT	Granted
17/0606	USE OF PROPERTY FOR RETAIL (A1) OR A GYM (D2)	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.

SP12 - Community Facilities promotes development of new community facilities such as places of worship, cemeteries, health centres, nurseries, museums, public halls, cinemas, concert halls, allotments, leisure use etc. Development that affects existing community facilities should be designed to retain or enhance essential facilities.

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.

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.

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

#### **3.2 *Parking Standards SPG***

The Parking Standards SPG sets out details of parking requirements the Council will seek for all types of developments.

### **4. CONSULTATIONS**

4.1 None.

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

5.1 HEAD OF CITY SERVICES (HIGHWAYS): Given the existing permitted use and hours of opening I would offer no objection to the application.

5.2 HEAD OF LAW AND REGULATION (NOISE): No objection is offered to the removal of the condition restricting opening hours subject to light spillage from the building being controlled by the developer.

### **6. REPRESENTATIONS**

6.1 NEIGHBOURS: All properties within 50m were consulted (68no properties) and a site notice displayed. 3no responses received objecting to the application for the following reasons:

-There is significant light spillage from the building which impacts on neighbours during the night;

-People using the gym look directly into neighbouring residential properties;

-Neighbours already have to tolerate delivery vehicles and customers using the nearby takeaways and should be afforded some darkness and peace and quiet at night;

-They are already operating outside of the permitted hours;

-Un-restricted opening hours would set a precedent for other businesses in the area;

-This is not an appropriate location for a 24 hour use;

-If the application is granted the windows should be blacked out and the signage turned off at night;

-Letters of support have been received but they are not from people directly affected by the gym;

-Concerns are raised about noise generated by the coming and goings of vehicles to the gym.

- 6.2 9no letters of support have been received stating:  
-The proposals for increased opening hours are supported as it would enable people to go before or after work and improve their health and wellbeing;  
- Going to the gym has significantly helped both my physical and mental health, however, having access 24 hours and being able to go to the gym and earlier in the mornings, would be much more beneficial to my health and wellbeing. It would allow fair use of the gym for those members who do have earlier starts to work, to complete their daily workouts, prior to starting the working day;  
-The gym is not only a gym but is a nice way of bringing the local people together in a healthy capacity. The staff are polite and look after the building to a very high standard.
- 6.3 COUNCILLOR HARVEY, COUNCILLOR TRUMAN AND COUNCILLOR GUY: Object to the application. The current opening hours are enough. Extending the opening hours will have an impact on neighbouring properties. We have received complaints from residents who were initially against the change of use and now with the removal of the opening times they feel the disturbances will be exacerbated. Please will you consider the residents of the area and the excess parking restraints already in this area and refuse the additional change of operating times.

## **7. ASSESSMENT**

- 7.1 The property is a large two storey corner unit situated on the junction of Chepstow Road and Hawarden Road. An access lane runs to the rear of the property. Residential dwellings are situated opposite the site on the northern side of Chepstow Road and to the rear on Hawarden Road. There are also residential units at first floor above the commercial properties.

### **7.2 *Amenity & Character of the Area***

It was noted during the consideration of the previous application that due to the close proximity of residential properties to the building, the impact on residential amenity requires careful consideration and that given the location of the unit within a District Centre, there was no objection in principle to the proposed change of use in amenity terms. However, officers had concerns with regard to the proposed 24 hour use of the premises and subsequently a condition was imposed restricting the opening hours. Given the location of the unit on a busy transport route to and from the City Centre, the proximity of neighbouring commercial uses and that neighbouring A3 restaurants are open until 1am, it was considered reasonable for the proposed gym to remain open until 1am on Friday and Saturday nights without having a detrimental impact on neighbouring amenity.

- 7.3 As previously noted, there are residential properties within close proximity to the site and there is a first floor flat at the neighbouring property. The applicants maintain that usage of the gym during the hours sought, as evidenced from their other clubs, is very limited with night-time usage between 11pm and 5am being about 1-5% of the membership base. This amounts to less than 2 members per hour which suggests that it is unlikely that groups of members would enter together. Additionally noise from ingress and egress of members is limited as the doors close automatically behind patrons and access is only granted by card reader.
- 7.4 The application is supported by a noise assessment to assess the noise impact of the gym and its customers on the closest residential receptors. The report concludes that a 24/7 gym operation at this location would have no impact above ambient noise levels. Existing ambient noise levels have been measured from a Friday until Monday covering both late night Friday and Saturday gym activity and the likely quietest noise

conditions on the Sunday night without the gym operating. The gym is located on the corner of Chepstow Road and Hawarden Road. Traffic noise on Chepstow Road controls the daytime and night-time ambient noise levels. The conclusions of the report are that traffic noise from Chepstow Road dominates the ambient noise climate by day and by night and that gym activities are not significant. Overall gym noise levels are indicated to remain well below (>10dB) the ambient noise levels during the quietest Sunday night-time period.

7.5 The applicant advises that should the application be allowed, the gym would continue to operate as set out in the planning statement to the previous application as follows:

- No loud bass beats typically associated with most gyms; rather, the proposed gym will have low volume background music, which is set and locked by the manager in the office;
- All Snap Fitness gyms have control equipment that sets music to levels that do not exceed approved levels. The control equipment is tamperproof and stored in the manager's office;
- All cardiovascular equipment has individual television screens and members wear headphones to listen to the sound;
- High impact resilient rubber flooring will be used in the free weights area to absorb the impact of weights onto the surface and to mitigate any potential noise;
- All windows are non-operable and fixed shut at all times.

7.6 It is notable that a key concern raised by neighbouring objections to the extended opening hours relates to light spillage from the building and the subsequent impact to neighbouring amenity. The applicant has confirmed that they would be amenable to installing window blinds if this application is granted. However, since blinds are only effective when they are closed and there is potential for staff to forget to close them, or for customers to open them, it is not considered that installing blinds is a sufficiently robust solution to overcome this matter and ensure that neighbouring amenity is safeguarded in this respect. Notwithstanding this, it is considered that there are other solutions such as window vinyl's and it is recommended that if planning permission is forthcoming, it should be subject to a condition requiring the applicant to submit details of a scheme to deal with light spillage to the Council for approval prior to the extended opening of the premises. Such mitigation may have added privacy benefits. Given that the gym can lawfully operate from 6am and until 1am on weekends (11pm Sunday to Thursday) and as indicated by neighbouring consultation responses, light spillage is clearly an existing problem and in granting this application with the suggested condition, it is considered that there would be some betterment to neighbouring residential amenity. Irrespective of the outcome of this application the operating of the signage associated with the premises cannot be controlled and can remain lit 24 hours a day.

7.7 Concerns are raised about the potential for a precedent to be set for other businesses in the area to operate with unrestricted opening hours should this application be granted. However, planning applications are assessed on their own merits having regard to the individual circumstances. In this instance the use is a gym and the behaviour of the patrons is likely to be different to customers of a hot food takeaway for instance. Gym members are less likely to linger outside the premises and are more likely to visit on their own thus likely limiting the prospect of noise and disturbance to

neighbouring occupiers. Given the nature of the use, and the conditions the gym would operate under (as described in the Planning Statement) it is not considered that the extended opening hours would result in a detrimental impact to the character of the area.

7.8 In terms of security the applicant advises that the club would be private and open to members only. The club is locked at all times, with secure door access only via a unique member identification card. Surveillance cameras cover all internal and external areas of the facility and are continuously monitored. Duress alarm systems are installed in every club including wearable pendant alarms. The duress alarms dial direct to a live emergency services operator and are connected by 2-way voice. Entry to the building would be via an electronic security tag that holds all of the member's information and is recorded in the operators' computer system as well as the security monitoring system every time it is used. The doors are locked 24 hours a day and all members must swipe in even during club staffed hours.

#### 7.9 ***Parking***

It was previously noted that the unit does not benefit from off-street parking, with the only parking provision for patrons of the commercial units being on-street. However, given the fall-back use of the site and the way in which the facility operates based on other similar gyms in the same chain, the Head of City Services confirmed he was satisfied that the proposals would not result in an increase in parking demand in comparison to the existing A1 use. It is not considered that the increase in opening hours would result in greater pressure for on-street parking as parking demand during these times is likely to be reduced. The Head of City Services confirms that given the existing permitted use and hours of opening I would offer no objection to the application.

### 8. **OTHER CONSIDERATIONS**

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

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

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

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

8.3 Having due regard to advancing equality involves:

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

8.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact

upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

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

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

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

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

9. **CONCLUSION**

9.1 As evidenced by the supporting information accompanying the application, it is considered that the number of customers using the gym during the extended opening hours is likely to be low and subject to a condition to ensure light spillage is effectively dealt with it is not considered that the un-restricted opening hours would result in an adverse impact to neighbouring amenity or a detrimental impact to the character of the area. Similarly, parking demand is likely to be lower during these times and it is not considered that there would be an adverse parking demand.

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

10. **RECOMMENDATION**

GRANTED WITH CONDITIONS

***Pre- commencement conditions***

01 Prior to the first beneficial use of the premises outside the hours of 6am to 11pm Sunday to Thursday and 6am to 1am on Fridays and Saturdays as hereby approved, full details of a scheme to deal with light spillage from the building shall be submitted to the Local Planning Authority and written approval received. The approved scheme shall be implemented at the premises prior to the extended opening of the facility and shall be maintained in perpetuity.

Reason: In the interests of the amenities of occupiers of neighbouring properties in accordance with Policy GP2 of the NLDP.

***General conditions***

02 Prior to its installation, full details of any plant or equipment proposed to be located at the site shall be submitted to the Local Planning Authority and written approval received. The details shall include the noise rating level, calculated in accordance with

BS4142 2014, against the existing background level, with no tonal element to the plant. The plant or equipment shall be installed in accordance with the approved details.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policy GP2 of the NLDP.

03 The premises shall be used for either A1 Retail or as a gymnasium within use class D2 and for no other purpose (including any other purpose in either Class A1 or D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: In the interests of neighbouring amenity, highway safety, the character of the area and the vitality and viability of the Beechwood District Centre in accordance with Policies GP2 and GP4 of the NLDP.

04 The studio pod shall be no larger than 42sqm. No group exercise classes shall take place within the building other than in the studio pod.

Reason: In the interests of highway safety and neighbouring amenity in accordance with Policy GP2 of the NLDP.

05 The premises hereby approved shall be operated in accordance with the noise abatement details provided within section 6.14 of the Planning Statement accompanying the application 17/0606.

Reason: To ensure that the amenities of occupiers of neighbouring premises are protected in accordance with Policy GP2 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, SP12, GP2, GP4, and T4 were relevant to the determination of this application.

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

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

**APPLICATION DETAILS**

**No:** 19/0496      **Ward:** GAER

**Type:** FULL

**Expiry Date:** 10-JUL-2019

**Applicant:** AARON WATERS

**Site:** 108, CAE PERLLAN ROAD, NEWPORT, NP20 3FT

**Proposal:** **PROPOSED SINGLE STOREY EXTENSION TO REAR OF PROPERTY**

**Recommendation:** GRANTED WITH CONDITIONS

**1. INTRODUCTION**

- 1.1 Planning permission is sought for the erection of a single storey rear extension at this semi detached property.
- 1.2 The application is referred to Planning Committee as a councillor has been consulted as a neighbour.

**2. RELEVANT SITE HISTORY**

None.

**3. POLICY CONTEXT**

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

**4. CONSULTATIONS**

- 4.1 None.

**5. INTERNAL COUNCIL ADVICE**

- 5.1 None.

**6. REPRESENTATIONS**

6.1 NEIGHBOURS: All properties with a common boundary were consulted (2 no properties), no response received.

## 7. ASSESSMENT

7.1 Currently the kitchen extends beyond the rear of the existing property. It is proposed to remove this and rebuild a single storey extension which would also extend beyond the rear of the living room infilling the gap between the boundary southern and the existing kitchen projection. The extension would provide a dining/kitchen area. It is proposed to project 3.1m from the rear of the property, a total of 6.2m in width and a maximum of 3.7m in height to the top of the proposed lean to roof. It is proposed that the extension would be rendered to match the finish of the existing property with a tiled roof. Roof lights are proposed within the lean to roof and white aluminium patio doors and a window to the rear elevation.

7.2 The Council's adopted SPG is a material consideration in the determination of this application. In this respect it states that wherever possible extensions should be built on the rear or least important elevation. Paragraph 5.1.8 explains that: "A house extension should not substantially reduce natural light (whether direct or diffuse), privacy or perceived space in neighbours' habitable rooms and back gardens". Number 106 Cae Perllan Road, the property attached to the application property, would be most affected by the proposal. The part of the extension sited closest to the boundary with number 106 would have the potential to impact upon this property. A bay window is located within 0.5 m of the boundary of the application site.

7.3 The 45 degree test is relevant. For the plan view test, a notional line is drawn at 45 degrees from the centre of the affected window. The proposed extension should not project beyond this line. For the elevation view test, a notional line is drawn from the centre of the protected window at 45 degrees. An extension which fails both tests would be deemed unacceptable. In this instance the proposed extension would just bisect the corner of the extension when the plan view test is applied, it does not bisect the extension in the elevation view. The proposal does not fail both tests and only just fails the plan view test. The proposal would therefore comply with the House Extensions and Domestic Outbuildings SPG.

## 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.

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- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

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**9. CONCLUSION**

9.1 The proposed extensions is considered to be acceptable in design terms and would not result in a detrimental impact to the visual amenity of the area. There would not be a demonstrable loss of privacy or amenity to neighbouring occupants as a result of the proposals which are compliant with policies GP2, and GP6 of the Newport LDP and advice contained within Supplementary Planning Guidance: House Extensions and Domestic Outbuildings.

9.2 It is recommended that the application be 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 aw 04.01

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

***General conditions***

02 The external surfaces of the extension hereby permitted shall only be of materials to match those of the existing building.

Reason: In the interests of visual amenity in accordance with policy GP6

*NOTE TO APPLICANT*

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

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

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

04 Supplementary Planning Guidance (SPG) 'House Extensions and Domestic Outbuildings 2015 was relevant to the determination of this application.

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