

Agenda



Planning Committee

Date: Wednesday, 2 October 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 M Linton

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

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Part 1

Item	Wards Affected
1. <u>Apologies for Absence</u>	
2. <u>Declarations of Interest</u>	
3. <u>Minutes of the meeting held on</u> (Pages 3 - 6)	
4. <u>Development Management: Planning Application Schedule</u> (Pages 7 - 40)	
5. <u>Appeal Decisions</u> (Pages 41 - 46)	

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Date of Issue: Wednesday, 25 September 2019

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Minutes

Planning Committee

Date: 4 September 2019

Time: 10.00 am

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

In Attendance: Joanne Evans (Senior Solicitor), Tracey Brooks (Development and Regeneration Manager), Stephen John Williams (West Area Planning Manager), Lisa Davies (Governance Officer), Neil Barnett (Governance Officer), Gail Parkhouse (Senior Planning Officer) and Vicky Quinn (Senior Planning Officer)

Apologies: Councillors G Berry and J Clarke

1. **Declarations of Interest**

None

2. **Minutes of the meeting held on 07 August 2019**

The minutes of the meeting held on 07 August 2019 were submitted.

Resolved

That the minutes of the meeting held on 07 August 2019 be taken as read and confirmed, subject to the above

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

It was noted that Councillor John Guy left the Committee once application 18/0756 was determined

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**

The meeting terminated at 12:59

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Appendix A
PLANNING COMMITTEE – 04 09 2019
DECISION SCHEDULE

No	Site/Proposal	Ward	Additional Comments	Decision
18/1178	<p>Site: Land Adjacent and West Forming Part of Old Road, Lower Machen, Newport</p> <p>Proposal: Proposed erection of detached dwelling including removal of part of boundary wall and associated creation of new access and works</p>	GRAIG	<p>Public Speaker Lorraine Jones spoke in objection to the application.</p> <p>Ward Member Cllr David Williams spoke in objection to the application.</p> <p>Late representation report referred to.</p>	Application Refused
19/0653	<p>Site: 27 Maindee Parade, Newport</p> <p>Proposal: Change of use of property to house in multiple occupation for up to six residents (use class c4)</p> <p>Recommendation: Granted with conditions</p>	VICTORIA	<p>Public Speaker Janet Devilleneuve spoke in objection to the application.</p> <p>Public Speaker (applicant) Matthew Layton spoke in support of the application.</p> <p>Ward Member Cllr Majid Rahman spoke in objection to the application.</p>	<p>Application Refused.</p> <p>Reasons: Inadequate parking and tenants being unable to obtain more than two parking permits.</p> <p>Over development of site.</p> <p>Adverse impact on neighbours.</p> <p>Overcrowding.</p> <p>Lack of objectivity when undertaking parking survey.</p> <p>Lack of adequate waste and recycling facilities.</p>
18/0756	<p>Site: Castle Farm, Bishton Road, Bishton, Newport, NP18 2DZ</p> <p>Proposal: free-range egg production unit, 3no. silos and associated works</p> <p>Recommendation: Refused</p>	LLANWERN	<p>Public Speaker Kevin Rickard spoke in support of the application.</p> <p>Ward Member Cllr Martyn Kellaway spoke in support of the application.</p> <p>Cllr Guy left the Chambers 12:30.</p>	<p>Application Approved.</p> <p>Reasons: Members felt that the need to encourage and sustain farming in the area outweighed the impact on the local landscape</p> <p>Development and Regeneration Manager has delegated authority to impose suitable conditions, including a restriction on the use of the building to ensure that it is used for the keeping of livestock.</p>
19/0587	<p>Site: Ye Olde Oak Stave, Ruskin Avenue, Rogerstone, Newport</p> <p>Proposal: Demolition of existing buildings and the erection of 6 no. 4 bedroom residential dwellings, including access, parking, landscaping, bin storage and all associated works</p>	ROGERSTONE	<p>Public Speaker Rob Mitchell spoke in support of the application.</p> <p>Late representation report referred to.</p>	Application Approved

Report

Planning Committee

Part 1

Date: 2nd October 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.

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

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

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

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

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

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

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

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

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

Through development management decisions, good quality development is encouraged and the wrong development in the wrong places is resisted. Planning decisions can therefore contribute directly and indirectly to these priority outcomes by helping to deliver sustainable communities and affordable housing; allowing adaptations to allow people to remain in their homes; improving energy efficiency standards; securing appropriate Planning Contributions to offset the demands of new development to enable the expansion and improvement of our schools and leisure facilities; enabling

economic recovery, tourism and job creation; tackling dangerous structures and unsightly land and buildings; bringing empty properties back into use; and ensuring high quality 'place-making'.

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

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

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

Options Available and considered

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

Preferred Option and Why

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

Comments of Chief Financial Officer

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

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

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

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

Comments of Monitoring Officer

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

Comments of Head of People and Business Change

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

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

Comments of Cabinet Member

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

Local issues

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

Scrutiny Committees

None

Equalities Impact Assessment and the Equalities Act 2010

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

Children and Families (Wales) Measure

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

Wellbeing of Future Generations (Wales) Act 2015

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

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

Involvement: Planning applications are subject to consultation and is regulated by legislation. Consultation is targeted at residents and businesses directly affected by a development, ward members and technical consultees. Engagement with the planning process is encouraged in order to ensure that the views of key stakeholders are taken into consideration.

Decisions made are in line with the Council's well-being objectives published in March 2017. Specifically, Objective 9 (Health and Well Being) of the adopted Newport Local Development Plan (2011-2026) links to this duty with its requirement to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.

Crime and Disorder Act 1998

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

Consultation

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

Background Papers

NATIONAL POLICY

Planning Policy Wales (PPW) Edition 10 (December 2018)
Development Management Manual 2016

PPW Technical Advice Notes (TAN):

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

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

Welsh Government Circular 016/2014 on planning conditions

LOCAL POLICY

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

Supplementary Planning Guidance (SPG):

Affordable Housing (adopted August 2015)

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

OTHER

“Newport City Council Retail Study by Nexus Planning (September 2019) “ 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: 19/0640 **Ward:** LLISWERRY

Type: FULL

Expiry Date: 16-SEP-2019

Applicant: G TASKER

Site: LLISWERRY RECREATION GROUND, LLOYD STREET, NEWPORT

Proposal: SITING OF SINGLE STOREY PREFABRICATED UNITS ON A CONSTRUCTED SLAB FOR USE AS SPORTS CHANGING FACILITIES

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks planning permission for the siting of 11no. prefabricated units on a constructed slab to be used as sports changing facilities at the Lliswerry Recreation Ground, Lloyd Street in the Lliswerry ward.
- 1.2 The Lliswerry Recreation Ground is located within the urban boundary as per Policy SP5 of the Newport Local Development Plan (NLDP) 2011-2026 (adopted January 2015), is designated as Environmental Space as per Policy CE3 as a formal play area and is also located within a C1 Flood Zone as per the Development Advice Maps (DAM) contained within Technical Advice Note (TAN) 15.

2. RELEVANT SITE HISTORY

14/0554	PROPOSED SITING OF SINGLE STOREY PREFABRICATED UNITS ON A CONSTRUCTED SLAB FOR USE AS SPORTS CHANGING FACILITY AND CLUB ROOM AND ERECTION OF FENCING PROPOSED SITI	GRANTED WITH CONDITIONS
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3. POLICY CONTEXT**3.1 Newport Local Development Plan 2011- 2026 (Adopted January 2015) –**

- SP1 Sustainability: seeks to ensure the development takes into account sustainable development principles.
- SP2 – Health:
- SP3 – Flood Risk: development will only be permitted in flood risk areas in accordance with national guidance.
- SP12 – Community Facilities: Encourages the development of community facilities in sustainable locations, including leisure uses.
- SP18 – Urban Regeneration: Proposals will be favoured which assist the regeneration of the urban area, particularly where they contribute to encourage the development of community uses where appropriate.
- GP1 General Development Principles – Climate Change: This policy seeks to ensure that the development is to withstand climate change over the lifetime of the development.
- GP2 General Development Principles – General Amenity: There is to be no significant adverse effect on the amenity of the existing or new community.
- GP3 General Development Principles – Services Infrastructure: This policy requires justification as to the suitability of the service infrastructure required by the proposal e.g. sewerage.

- GP4 General Development Principles – Highways and Accessibility: The proposal must not detrimentally affect the highway capacity. There must be adequate public access and any new roads must be compliant with the Councils design scheme.
- GP5 General Development Principles – Natural Environment.
- GP6 General Development Principles – Quality of Design: All new development must ensure that they are to achieve good quality design. This is ensuring that the proposal creates a safe, accessible and attractive environment taking into account the context, scale and materials of the design.
- GP7 General Development Principles – Environmental Protection and Public Health: This policy seeks to ensure that there is no unacceptable harm to health from a development.
- CE3 Environment - Environmental Spaces and Corridors:
- T4 Parking: This policy requires adequate level of parking to ensure there is no detrimental impact on the new site or existing community.

4. CONSULTATIONS

4.1 NATURAL RESOURCES WALES (NRW): We have no objection to the application as submitted. We provide the following advice in relation to flood risk.

Our Flood Risk Map, which is updated on a quarterly basis, confirms the application site lies entirely within Zone C1 of the Development Advice Maps (DAM) as contained in TAN15 and within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines.

The submitted supporting letter from Greg Tasker, Head of Street Scene of Newport Council, dated 20 June 2019, states the proposed changing facilities will only be used for a short duration per week during the football season period and will only be for players to change and store kit/clothes during a short period of time. The changing facilities will also be set 775mm above existing surrounding ground levels.

Given that the nature of the flooding is tidal, that sufficient warning can be provided, and that the existing playing fields and the proposed changing facilities would not be used during a time of flood, (and in the absence of a flood consequences assessment), we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development.

In areas at risk of flooding, we recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels.

4.2 WALES AND WEST UTILITIES: No objections.

4.3 WELSH WATER DWR CYMRU: The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

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

Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

4.4 NEWPORT ACCESS GROUP: No response.

5. INTERNAL COUNCIL ADVICE

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

5.2 THE HEAD OF CITY SERVICES (DRAINAGE): No response.

5.3 THE HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH): No objection.

6. REPRESENTATIONS

6.1 NEIGHBOURS: There are no properties sharing a common boundary with the application site. As per the Council's consultation procedure a site notice was placed at the site. No objections have been received.

7. ASSESSMENT

7.1 The application seeks planning permission for the erection of 11no. of prefabricated units to provide changing room facilities on a constructed slab with fencing in conjunction with the playing fields at Liswerry Recreation Ground, Lloyd Street in the Lliswerry ward.

7.2 The area of concrete that the units will be sited on has been partially constructed on site and measures an area of approximately 550sqm. Around the perimeter of this base is a palisade fence measuring 2.40 metres in height. This would include a gate at the north west of the slab measuring 1.60 metres wide that would allow pedestrian access to the site and a gate to the north east of the slab measuring 3.0 metres in width that would allow vehicular access for maintenance vehicles. Each prefabricated unit would measure 9.148 metres in length, 2.438 metres in width and would have a height of 2.50 metres, sitting on a concrete pad that projects 0.6 metres above ground level, giving an overall maximum height of 3.10 metres. The units would be clad and finished in dark green to soften their appearance and each unit would be of an individual configuration and layout suited to the individual need of the specified user. However in general the units would provide changing, showering and toilet facilities for players and officials using the adjacent 3no. football pitches.

7.3 In a statement submitted by the applicant it has been confirmed that there were existing changing room facilities serving the fields which were a very well used community facility but subjected to vandalism and following a severe fire were declared unrepairable and demolished in 2012. There was a time delay to rebuild the units, whilst insurance aspects were dealt with and, in the intervening years the main football teams utilised facilities at the Newport International Sports Village and the use of the site decreased, leaving the park open to a range of anti-social behaviour. The re-build cost of the replacement building has increased beyond the level of insurance monies recovered and the deficit was secured through Section 106 planning contributions from various developments in the Lliswerry area. Works have since been undertaken through grant money for a replacement bridge at the park improving links through the park to residential areas and the increased use of the park started to curtail the antisocial behaviour however this has not gone away entirely as recently all of the fixed play equipment has been vandalised and destroyed. The equipment is unable to be replaced until the changing facilities build is complete. Whilst it is acknowledged by the applicant that the new changing rooms would not prevent all antisocial activity it is believed that creating a community use facility at the site will considerably improve the site for a legitimate recreational use. It is stated that the number of units proposed are required and justified as the demographic of the end user has changed and the facilities need to provide sufficient segregated changing capacity for the 3no. pitches to be used simultaneously by children, women's and men's teams. It is the aim of this project to be a catalyst in the regeneration of the wider area and combined with recently improved active travel enhancements and parking provision on site the scheme inspires to create a more readily used community facility, potentially to be leased by a club. It is stated that the units are not a permanent facility however would be a suitable option to help increase community interaction at the site and enable the site to regenerate itself as a focal point for sport and recreation within the city, whilst improving antisocial behaviour and making a significant contribution towards the health and wellbeing of children and adults within the ward.

- 7.4 The site is situated within the recreation grounds and the nearest residential properties are located over 100 metres to the north and south. The development is considered to be of low level and is of a single storey design. As such, it is not considered that the physical presence of the units in this location would result in any detrimental impact on the surrounding residential amenity. The scheme supports the existing use of the recreational grounds and the 3no. football pitches and whilst it is the aspiration of the scheme to regenerate the use of the fields as a community facility, which as a result could naturally lead to the intensification of the use of the fields, it is not considered that this would lead to an unacceptable impact in terms of noise over and above that associated with the historic use of the site as recreational playing fields. It is considered that residents of any nearby properties would already be used to the atmosphere created during sporting events and this proposal would not result in any harmful adverse impact. The Head of Law and Regulation (Environmental Health) has offered no objection to the application. The majority of works that may be invasive and produce noise to provide the concrete slab and to construct the fencing have already been undertaken and the remaining work is understood to be the placement of the units, which are prefabricated. As such, it is not considered necessary to request the submission of a Construction Environmental Management Plan (CEMP) in relation to residential amenity. It is considered that the proposal complies with the aims of Policy GP2(i) of the Newport Local Development Plan 2011-2026 (adopted January 2015).
- 7.5 The siting of the 11no. units on a concrete slab within a fenced off area will introduce a visual presence back to the site in a broadly similar location as the previous changing room building to the west of the grounds. It is therefore not considered that the addition is an entirely new presence on the site, albeit this area has previously been vacant for several years. It is acknowledged that the units may be of a more utilitarian design than desired, however the submitted statement has established that the proposal must serve a purpose and be able to withstand the potential antisocial behaviour or vandalism, which the site has been subject to historically. The applicant acknowledges that they are not a long term solution but may have a 10 to 12 year lifespan after which alternative, potentially bricks and mortar type accommodation may need to be developed. The existing building was of an unsightly concrete appearance and it is not considered that it made any positive contribution to the area. The containers would be clad in a dark green finish and it is considered appropriate that a condition should be attached to any consent in order to ensure that the finished appearance is acceptable and robust. The palisade fencing is green in colour and is considered to be appropriate to the colour of the clad units, and whilst the fence's height at 2.4 metres is considered to be quite high it is understood and accepted that this is a necessity in order to protect the facilities contained within. This style of fencing is often used to protect sporting equipment and is not an uncommon feature of sports facilities across the city.
- 7.6 It is important to acknowledge that one of the key aims of Planning Policy Wales Edition 10 (PPW10) is to achieve the creation of sustainable places and improve the well being of communities in line with the Wellbeing of Future Generations (Wales) Act 2015. Policy SP1 (Sustainability) and SP2 (Health) promote the aims of PPW10 and SP12 (Community Facilities) promotes the development of community facilities in sustainable locations, including indoor and outdoor leisure uses. These are strategic council policies prevalent to the determination of the application. The scheme is proposing to encourage the use of the playing fields in a formal way promoting a healthy lifestyle, however it is understood that the sports team that previously used the pitches have moved to the Newport International Sport Village (NISV). Due to the lack of sustainable links and routes from the surrounding area to this facility it is considered on the balance of probabilities that private motor vehicles are likely to be utilised by participants accessing the NISV. The proposed changing facilities would give the site a platform for it to be used as a community sports hub and by facilitating this, it is considered that the site could be accessed more regularly by the local community. The active travel links that have been improved recently allow the site to be more accessible to the local community through more sustainable methods of travel such as cycling and walking. It is therefore considered that when taking into account the wider benefit that the scheme would bring, when combined with the wider aspirations for the site, this would outweigh any concerns in relation to design and appearance of the proposed units.
- 7.7 The existing use of the grounds for recreational use is well established and is served by an existing area of parking to the north west of the site. It is not considered that the proposed

changing rooms would directly result in the increase in parking demand as they support an existing use and the Head of City Services (Highways) has offered no objection to the application.

- 7.8 The site is located within a C1 Flood Zone as per the Development Advice Maps contained within Technical Advice Note 15. The supporting flood statement states that the proposed changing facilities would only be used for short periods during the football season and will be used for changing and storage of kit for short durations. Natural Resources Wales have stated that given the nature of the flooding is tidal, that sufficient warning can be provided, and, that the changing rooms would not be used during the time of a flood (as the pitches would be unplayable) and in the absence of a formal Flood Consequence Assessment the proposals could be considered acceptable, subject to the developer being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development. It is therefore considered that as the facility supports the existing playing fields and these would not be used in the event of a flood it can be ascertained that the risk of flooding is unlikely to cause a significant risk to life.

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 By reason of its location, scale and design it is considered that the proposed prefabricated units to be used as changing facilities and the associated works would promote the aims of Planning Policy Wales 10, the Well-being of Future Generations (Wales) Act 2015 and policies SP1, SP2, SP3, SP12, SP18, GP1, GP2, GP4, GP6, GP7, T4, CE3 and CF12 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

9.2 As such, it is recommended that planning permission is granted with conditions and subject to a temporary consent.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents; Drawing No. BLP/LP/01 – Propose Changing Room Location; Drawing No. SL2.4M1.75M-2.5M BH – Typical Details of 2.4m High Loose Pale S/L Gate 1.75m to 2.5m Wide BH25 Hinges; Drawing No. Typical Detail of 2.4m High 'W' Palisade TPT 45x45 Angle Rails; Drawing No. S19055 Rev C – Plan; Drawing No. MAC_SH3008n01A – Plan; Drawing No. MAC_SH3008NO1A – Elevations; Drawing No. MAC_DR3008N01B – Plan; Drawing No. MAC_DR3008N01B – Elevations; Drawing No. MAC_DR3008N02B – Plan; Drawing No. MAC_DR3008N02B – Elevations; Drawing No. MAC_SH3008NO2A – Plan; Drawing No. MAC_SH3008NO2A – Elevations; Drawing No. MAC_TS3008NO1B – Plan; Drawing No. MAC_TS3008NO1B – Elevations; Drawing No. MAC_OP3008NO1A – Plan; Drawing No. MAC_OP3008NO1A – Elevations; Drawing No. MAC_DR3008N03B – Plan; Drawing No. MAC_DR3008N03B – Elevations; Drawing No. MAC_SH3008NO3A – Plan; Drawing No. MAC_SH3008NO3A – Elevations; Drawing No. MAC_SH3008NO4A – Plan; Drawing No. MAC_SH3008NO4A – Elevations; Drawing No. MAC_SH3008NO4B – Plan; Drawing No. MAC_SH3008NO4B – Elevations; Drawing No. MAC_T03008N01C – Plan; Drawing No. MAC_T03008N01C – Elevations; Drawing No. S19055 REV D; Drawing No. S19116 REV A.

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

Pre – construction conditions

02 This permission shall be for a limited period expiring on 31st December 2029 when the buildings and associated infrastructure shall be removed, the use discontinued and the land restored to its former condition with a scheme of work submitted to and approved in writing by the Local Planning Authority. The buildings and associated infrastructure shall be removed from the site in accordance with the approved scheme of work.

Reason: To safeguard visual amenity of the surrounding area in accordance with Policy GP2 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

General conditions

03 This permission shall be for a limited period expiring 10 years from the date of this permission, when the units shall be removed, the use discontinued and the land restored to its former condition.

Reason: In the interests of visual amenity in accordance with Policy GP2 of the NLDP 2011-2026 (adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan; Drawing No. BLP/LP/01 – Propose Changing Room Location; Drawing No. SL2.4M1.75M-2.5M BH – Typical Details of 2.4m High Loose Pale S/L Gate 1.75m to 2.5m Wide BH25 Hinges; Drawing No. Typical Detail of 2.4m High 'W' Palisade TPT 45x45 Angle Rails; Drawing No. S19055 Rev C – Plan; Drawing No. MAC_SH3008n01A – Plan; Drawing No. MAC_SH3008NO1A – Elevations; Drawing No. MAC_DR3008N01B – Plan; Drawing No. MAC_DR3008N01B – Elevations; Drawing No.

MAC_DR3008N02B – Plan; Drawing No. MAC_DR3008N02B – Elevations; Drawing No.
MAC_SH3008NO2A – Plan; Drawing No. MAC_SH3008NO2A – Elevations; Drawing No.
MAC_TS3008NO1B – Plan; Drawing No. MAC_TS3008NO1B – Elevations; Drawing No.
MAC_OP3008NO1A – Plan; Drawing No. MAC_OP3008NO1A – Elevations; Drawing No.
MAC_DR3008N03B – Plan; Drawing No. MAC_DR3008N03B – Elevations; Drawing No.
MAC_SH3008NO3A – Plan; Drawing No. MAC_SH3008NO3A – Elevations; Drawing No.
MAC_SH3008NO4A – Plan; Drawing No. MAC_SH3008NO4A – Elevations; Drawing No.
MAC_SH3008NO4B – Plan; Drawing No. MAC_SH3008NO4B – Elevations; Drawing No.
MAC_T03008N01C – Plan; Drawing No. MAC_T03008N01C – Elevations; Drawing No.
S19055 REV D; Drawing No. S19116 REV A.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP3, SP12, SP18, GP1, GP2, GP4, GP6, GP7, T4, CE3 and CF12 were relevant to the determination of this application.

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

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

05 Consideration should be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels.

APPLICATION DETAILS

No: 19/0650 **Ward:** LLANWERN, LLISWERRY

Type: DISCHARGE CONDITIONS

Expiry Date: 15-AUG-2019

Applicant: ST MODWEN DEVELOPMENTS LIMITED

Site: GLAN LLYN DEVELOPMENT SITE, QUEENSWAY, LLANWERN, NEWPORT

Proposal: PARTIAL DISCHARGE OF CONDITION 04 (EASTERN SUB AREA MASTERPLAN) OF PLANNING PERMISSION 06/0471 FOR GLAN LLYN DEVELOPMENT SITE

Recommendation: APPROVED SUBJECT TO A DEED OF VARIATION TO THE EXISTING S106 AGREEMENT TO CLARIFY THE CONTENT AND DELIVERY OF THE SPORTS CLUB WITH DELGATED AUTHORITY TO REFUSE THE APPLICATION IF THE DEED IS NOT AGREED WITHIN 3 MONTHS OF ANY DECISION TO APPROVE THIS APPLCIATION IN PRINCIPLE

1. INTRODUCTION

1.1 This application is to discharge the masterplan condition for the eastern areas of the Glan Llyn Regeneration Site (former Llanwern Steelworks). Condition 04 of permission 06/0471 requires that the site is masterplanned prior to the submission of reserved matters applications and condition 02 of that permission requires that the masterplans be in accordance with the approved Development Framework and Indicative Masterplan that were submitted as part of the parent outline permission (06/0471) which granted permission for the redevelopment of the site.

1.2 The condition has been approved for the western subarea of the site under application 10/0750. Other Sub-area Masterplans have been agreed for the proposed Local Centre, the Celtic Business Park and for Housing Phase 3A.

1.3 The application has been called to Committee by Councillor Kellaway who is concerned that the proposed site layout may not provide suitable amenity for existing and future residents. Additionally a previous submission to discharge a Sub-area Masterplan for the site (18/0433) was refused by the Planning Committee for the following reason:

The submitted sub-area masterplan significantly deviates from the approved indicative masterplan and development framework and would have an adverse impact upon placemaking and result in an unacceptable loss of amenity for existing and future residents arising from the reduction in planned open space in the western sub area. This is contrary to Planning Policy Wales (edition 10) and policies SP1, SP2, GP2 and GP6 of the adopted Local Development Plan 2011-2026 (2015).

Since parts of the site addressed under submission 18/0433 which was refused are masterplanned in the current submission, the Planning Committee will have a direct interest in this submission.

2. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
06/0471	REDEVELOPMENT OF SITE TO CREATE A MIXED USE URBAN EXTENSION COMPRISING: A RANGE OF NEW HOMES (APARTMENTS, HOUSES AND SOME SHELTERED ACCOMMODATION FOR THE ELDERLY - USE CLASSES C2&C3); NEW OFFICES, WORKSHOPS, FACTORIES AND WAREHOUSES (USE CLASSES B1, B2&B8); COMMUNITY FACILITIES INCLUDING NEW SCHOOLS AND COMMUNITY CENTRES (USE CLASSES D1&D2); A LOCAL CENTRE INCORPORATING SHOPS, OFFICES AND	

COMMERCIAL LEISURE FACILITIES INCLUDING NEW BARS, CAFES AND LICENSED PREMISES (USE CLASSES A1, A2, A3&D2); A NETWORK OF OPEN SPACES INCLUDING PARKLAND, FOOTPATHS, SPORTS PITCHES AND AREAS FOR INFORMAL RECREATION; NEW ROADS, ACCESSES AND PATHS; HEALTHCARE AND FITNESS FACILITIES (USE CLASSES D1&D2); PROVISION FOR A NEW RAILWAY HALT/STATION; OTHER ANCILLARY USES AND ACTIVITIES; AND REQUIRING: SITE CLEARANCE, TREATMENT AND PREPARATION; THE INSTALLATION OF NEW SERVICES AND INFRASTRUCTURE; THE CREATION OF NEW WATER BODIES AND DRAINAGE CHANNELS; IMPROVEMENTS/WORKS TO THE HIGHWAYS NETWORK AND OTHER ANCILLARY WORKS AND ACTIVITIES GC

01 April 2010

10/0750 PARTIAL DISCHARGE OF CONDITION 4 (SUB AREA MASTERPLAN) RELATING TO PHASE 1 AND PHASE 2 OF PLANNING PERMISSION 06/0471 FOR REDEVELOPMENT OF SITE TO CREATE A MIXED USE URBAN EXTENSION A

11 November 2010

14/0614 PARTIAL DISCHARGE OF CONDITION 04 (SUB-AREA MASTER PLANNING) OF PLANNING PERMISSION 06/0471 FOR A MIXED USE URBAN EXTENSION ON LAND FORMERLY COMPRISING PART OF THE LLANWERN STEELWORKS (GLAN LLYN REGENERATION AREA) IN RELATION TO THE LOCAL CENTRE ONLY A

13 August 2014

14/1124 DISCHARGE OF CONDITION 04 (SUB AREA MASTERPLAN) OF PLANNING PERMISSION 06/0471 FOR A MIXED USE REDEVELOPMENT OF THE FORMER LLANWERN STEELWORKS (GLAN LLYN) IN RELATION TO THE EMPLOYMENT (EASTERN) SUB-AREA A

05 January 2015

15/0665 REDISCHARGE OF CONDITION 04 (SUB AREA MASTERPLAN) OF PERMISSION 06/0471 FOR A MIXED USE URBAN EXTENSION ON THE FORMER LLANWERN STEELWORKS (GLAN LLYN) IN RELATION TO THE WESTERN SUB AREA R

11 February 2016

18/0433 PARTIAL DISCHARGE OF CONDITION 04 (SUB-AREA MASTERPLAN) OF PLANNING PERMISSION 06/0471 FOR THE MIXED USE REDEVELOPMENT OF THE SITE RELATING TO THE WESTERN HOUSING AREAS R

06 March 2019

18/1188 PARTIAL DISCHARGE OF CONDITION 4 (SUB AREA MASTERPLAN) OF PLANNING PERMISSION 06/0471 FOR REDEVELOPMENT OF FORMER LLANWERN STEELWORKS IN RELATION TO THE LOCAL CENTRE Undetermined

19/0356 PARTIAL DISCHARGE OF CONDITION 04 (SUB-AREA MASTERPLAN) OF PLANNING PERMISSION 06/0471 FOR THE REDEVELOPMENT OF THE FORMER LLANWERN STEELWORKS (GLAN LLYN) IN RELATION TO HOUSING PHASE 3A ONLY BY PROVIDING AN ADDENDUM TO THE APPROVED WESTERN SUB-AREA MASTERPLAN (10/0750) A

05 September 2019

3. POLICY CONTEXT

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

SP1 – Sustainability

SP2 – Health

SP3 – Flood Risk

SP11 – Eastern Expansion Area

SP12 – Community Facilities

SP17 – Employment Land

SP18 – Urban Regeneration

GP1 – Climate Change

GP2 – General Amenity

GP3 – Service Infrastructure

GP4 – Highways & Accessibility

GP5 – Natural Environment

GP6 – Quality of Design

GP7 – Environmental Protection & Public Health

CE1 – Routeways, Corridors & Gateways
CE3 – Environmental Spaces & Corridors
CE9 – Coastal Zone
H2 – Housing Standards
H3 – Housing Mix & Density
EM1 - Employment Land Allocations
T1 – Railways
T2 – Heavy Commercial Vehicle Movements
T3 – Road Hierarchy
T4 - Parking
T5 – Walking & Cycling
T6 – Public Rights of Way Improvement
R8 – Small Scale Retail Proposals
CF2 – Outdoor Play Space Requirements
CF3 – Water Based Recreation
CF13 – School Sites
W3 – Provision for Waste Management Facilities in Development

3.2 Adopted Supplementary Planning Guidance :

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

3.3 Planning Policy Wales Edition 10 (PPW10) offers the following advice:

Character

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

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

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

New Settlements

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

Paragraph 3.50: New settlements should only be proposed where such development would offer significant environmental, social, cultural and economic advantages over the further expansion or

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

Previously Developed Land

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

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

Active and Social Streets

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

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

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

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

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

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

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

Active Travel

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

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

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

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

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

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

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

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

Paragraph 4.1.44: Planning authorities must seek to reduce the level and speed of traffic in new development. This should, in the first instance, be achieved through good street design, such as

through the layout of buildings and spaces, before considering more traditional traffic calming measures.

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

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

Car Parking

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

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

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

Community Facilities

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

Recreational Spaces

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

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

Transportation Infrastructure

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

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

Public Transport

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

Integrating Green Infrastructure and Development

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

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

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

Development and Flood Risk

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

4. CONSULTATIONS

4.1 WELSH GOVERNMENT (HIGHWAYS DIVISION): I refer to your consultation of 26/06/2019 regarding the above planning application and advise that the Welsh Government as highway authority for the M4 does not object to discharge of the above drainage strategy condition.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF CITY SERVICES (HIGHWAYS): Whilst this is generally acceptable any Manual for Street type applications must be supported by a full MfS Quality Audit, Lane, Home Zone, Mews and Courtyard.

5.2 HEAD OF REGENERATION, INVESTMENT & HOUSING (PLANNING POLICY): Thank you for consulting Planning Policy on the above application. Glan Llyn is a strategic housing site and its delivery is a key factor in achieving the LDP strategy and housing requirement. Continued progress via the submission of the Eastern Sub-Area Masterplan is therefore a welcomed sign of the commitment to the on-going delivery of the site.

A comprehensive review of Planning Policy was set out in relation to planning application 18/0433 and this is still considered relevant.

The Masterplan indicates that it makes provision for approximately 2,700 homes. This is consistent with the number of units already approved or outlined on the western section (including parcel 3a addendum) and achieving the 4,000 units allocated under Policy H1(47) – Glan Llyn.

Conformity with the approved Development Framework (condition 04 of permission 06/0471) and the terms of the agreed S106 are important considerations in the determination of the application.

6. REPRESENTATIONS

6.1 NEIGHBOURS: Two site notices were displayed and no representations have been received.

6.2 COUNCILLOR KELLAWAY: Concillor Kellaway requests the application is heard by Committee to consider the impact of the propsoal on exisitng and future residents.

7. ASSESSMENT

7.1 Preamble

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

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

reserved matters shall accord with the relevant Sub-Area Masterplan unless otherwise approved in writing by the Local Planning Authority.

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

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

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

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

7.1.3 In essence the planning permission granted although in outline with all matters reserved, required that any subsequent development should be in broad accordance with the approved Development Framework and the approved Indicative Masterplan that formed part of that outline permission.

7.1.4 The development was commenced at the western end of the site since this abutted the existing urban boundary and was remote from the retained works and was likely to be the least contaminated part of the site. Consequently it was the part of the site that was most straightforward to integrate into the established urban area being relatively more sustainably located than the eastern portion of the site. The applicant submitted a western sub-area masterplan (western SAMP) that was approved under application 10/0750 in November 2010 and this guided the early phases of housing development in the western part of the site. Separate SAMPs were approved for the proposed local centre, adjacent to the Llanwern Bull Public House and for the Celtic Business Park at the eastern end of the development site. It should be noted that the approved Western SAMP also contained a revised Indicative Masterplan which was approved alongside that SAMP and departs from the drawing submitted with the outline approval. A further SAMP was discharged in relation to Housing Phase 3A as an addendum to the existing Western Sub-Area SAMP.

7.1.5 The proposed Sub-area Masterplan under consideration in this application includes the areas to the east of the currently approved plan. Since the original Western SAMP was approved in 2010 there have been significant changes in the policy environment including the adoption of the Newport Local Development Plan 2011-2026 and several versions of Planning Policy Wales, including Edition 10 (PPW10) which amounts to a major revision of existing national policy and has a strong emphasis on placemaking and sustainability which to a large extent it sees as the same thing; good places are sustainable places. Placemaking is a key element of PPW10 with advice on access to community facilities & employment, open space, sustainable travel networks and a new emphasis on roads as multi-user spaces with motor vehicles being the lowest priority user. Green Infrastructure is emphasised for its multiple benefits in terms of ecology, health & wellbeing, mitigation of environmental hazards (noise, air pollution, summer heat etc.) and visual amenity.

7.2 Key Issues

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

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

7.3 Conformity

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

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

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

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

7.3.3 The sub-area masterplan condition was initially discharged in part under approval 10/0750 in 2010. At this time only the western part of the site was masterplanned. This was a significantly more detailed document than the framework. However it effectively introduced a new indicative masterplan for the site with the main changes being:

- Relocation of the local centre to adjacent to the EDR.
- Greater separation of the western park from the central and eastern lakes
- Relocation of the Parkway and reduction of its scale.
- Reworking of the 'Lane' to the 'High Street' with a denser more urban character.
- Identification of the blueways – green corridors containing ditches.

7.3.4 The documents then went on to describe the movement hierarchy within the western sub-area and the characteristics of the proposed housing areas. Officers were satisfied that sufficient detail had been provided to meet the requirements of the condition and the submitted sub-area masterplan was approved.

7.3.5 Under this submission the applicant has masterplanned a larger area than covered under the previous plan and this includes central and eastern areas of the site not previously masterplanned, including the central lake. The additional Phases are coded 3b – 3d, Phase 4 and

Phase 5 within the new masterplan. The entire site is being masterplanned under this submission which allows an assessment to be made of the disposition of open space and recreational facilities across the entire site. Ultimately the amounts of open space and sports facilities are controlled under the Section 106 agreement that set out the areas of open space to be achieved.

7.3.6 In terms of delivery of leisure assets on the site the planning permission required the discharge of phasing conditions but the real control lies with the Section 106 legal agreement which identified what leisure facilities and open space were to be provided and in some cases identified trigger points. In terms of S106 agreement the open space and leisure provision was to be:

The Table shows there was to be 25.8Ha of amenity / informal play / equipped play space i.e. the parks and other open space on the site. It is clear from the S106 agreement that these spaces are different spaces and there was to be no doubling up on land area. That is the Amenity Public Open Space (POS) and the sports facilities are separate items and cannot be doubled up, the cricket pitch for example could not be provided within the Western Park unless this loss of open space was compensated for elsewhere on the site.

Lake Provision

	06/0471 (Ha)	This submission (Ha)	Notes
Western Lake	2.4	0.84	Already agreed under 10/0750 and in place
Central Lake	4.4	2.10	
Eastern Lake	2.3	1.26	
Monk's lake	0.0	0.30	
Totals	9.1	4.50	

7.3.7 The Section 106 Agreement also identifies the new lakes within the site as delivering 9.1Ha of recreation space which aligns with the Indicative Masterplan approved under permission 06/0471. Under this submission the area of lakes achieved will be less than the S106 agreement allows for but will be greater than that allowed for under the previous submission which the Planning Committee refused. The deficit from the legal agreement is calculated at 4.78Ha however the legal agreement does allow 'or such other provision that will be agreed with the Council as part of detailed / reserved matters submissions'. As such it is open to the Council to agree a lesser area of lake and this could include no alternative provision at all given the wording of the agreement.

7.3.8 However it is clear that the lakes were considered to be a recreational resource of value and their delivery (or some alternative provision) was legally secured at the outline stage. It is by no means clear that 'zero' alternative would be acceptable to the Council and it is officer's opinion that no alternative provision would not be acceptable unless very robustly justified since it would be a material worsening of secured leisure provision on the site with no obvious public benefit at all. However if this masterplan is approved it leaves it open to the Council to secure alternative provision elsewhere on the site. It should also be borne in mind that the lakes offered sporting opportunities and ecological opportunities as well as general amenity in the form of an attractive waterfront and associated open space and all these elements would need to be compensated for if the lakes are reduced. As it stands the Council has entered provisional negotiations with the applicant in relation to provision within the Sports Club and the Bowling Club. The legal agreement was set to deliver these on an area of 6.3Ha but there was no clarity as to what the provision would be nor when the provision would be delivered. The Sports Club and Bowling Club are to be provided on the site of the former Llanwern Sports & Social Club and officers are currently negotiating what the two Clubs will provide and when it will be delivered. It is anticipated that the Clubs will provide an opportunity for enhancement over the provision that was there (football, cricket and bowls) which will allow the reduction in the area of the lakes to be compensated for by enhanced facilities at this location. In short the Masterplanning of the entire site does not mean any reduction in the area of lakes cannot be compensated for within the Sports and Bowling Clubs. The applicant is promising that they will enter negotiations on the content of the Clubs as early as

October 2019, however Officers consider that the provision should be clarified and a delivery time table secured in an unequivocal way. That can be achieved by a Deed of Variation to the existing Section 106 agreement clarifying what the two Clubs are to deliver and when. The current legal agreement is silent on both of these points but since the Council is now being asked to vary the provision within the S106 agreement (the area of lakes) through the masterplanning process it is appropriate to explore and secure the alternative provision that is allowed under the current section 106 agreement. The departure from the S106 agreement entailed by the submitted plan requires the provision within the clubs to be addressed as part of this submission.

7.3.9 In terms of the lakes that are proposed although reduced they will still offer the required flood storage capacity within the site and are of a scale to provide good levels of visual amenity and appropriate green buffers that will provide attractive waterfrontage, non-car linkages through the site and opportunities for ecological enhancement and potentially water based recreation.. The lakes will be smaller than shown in the Indicative Masterplan as approved under permission 06/0471 but they will still be substantial areas of open water and will provide an acceptable level of amenity while fulfilling their technical drainage role.

7.3.10 The proposed blueways could provide wide landscaped corridors, containing waterfrontage, pools and planting to encourage bio-diversity and routeways for cyclists and pedestrians. The submitted subarea masterplan shows potential for wide planted corridors up to 30m wide which would go some way in compensating for the reduction of the lakes. However it is unlikely this will fully compensate for the reduction on the area of the lakes and further alternative provision will be required to make up the deficit. This does however go some way to mitigating the identified harm to amenity but much will depend on the delivery of these spaces in future detailed submissions and how the surrounding housing areas relate to them. If they come forward as narrow engineered spaces which are not overlooked by the housing they will not be acceptable as alternative recreation provision. However this is a matter to be dealt with at reserved matters stage. An additional point relates to how the blueways will link up in terms of pedestrian movement. The drainage channels will be north south features that will abut the site boundary in the north. The very northern part of the site is identified as buffer planting between the site and the railway corridor to the north of the site. This will contain a large drainage reed with a service track along its northern bank. Additionally houses will back onto the reed. This is not seen as a usable public open space and has been discounted from the total amount of public open space. However through routes and permeability within the housing phases and the adjacent greenways and blueways can be secured through careful consideration of Reserved Matters submissions as they are made.

7.3.11 Overall in terms of conformity, this proposed subarea masterplan shows departures from the approved Development Framework and the approved Indicative Masterplan primarily in terms of the relocation of the local centre from a more central location to the edge of the Eastern Distributor Road (EDR) and revisions to the areas of lake that are shown with the Western Park now being more detached from the Central Lake feature and containing less open water than initially shown. However these departures were agreed under the application that discharged the western sub-area masterplan and are already built out to a large extent.

7.3.12 In relation to the central and eastern areas the current proposal shows a higher level of accordance with the development framework and the approved Indicative Masterplan. The applicant is able to demonstrate that the Section 106 requirements for recreation and public open space are or can be met in terms of recreation and public open space. The current offer, other than in relation to the area of the lakes is Section 106 compliant and consists of:

- Leisure hub – 1.4Ha including 3 no tennis courts but silent in relation to the MUGA, Skatepark and Basket Ball Court) but it should be noted that a ball court has been provided within the Western Park
- School Site (Glan Llyn East) – 2.0Ha
- 2 Adult Rugby pitches
- 2 Adult Football pitches with changing facilities (2.7Ha)
- Sports Club at 6Ha
- Bowls Club at 0.3Ha
- Public Open Space minimally 25.8Ha including;
 - o 80 Local Areas of Play at 3.2Ha
 - o 10 Locally Equipped Areas of Play
 - o 2 Neighbourhood Equipped Areas of Play

7.3.13 Officers conclude that the reduction of the lakes per se is not a reason to withhold approval of this conditional discharge but only if acceptable alternative provision can be secured within the proposed Sports and Bowling Clubs. As noted enhanced blueways subject to acceptable detailing and urban layout can provide additional good quality public open space by providing attractive linear spaces to travel though similar to Julians Reen which is already in place.

7.3.14 In the future the ecology park on the western boundary of the site will provide further informal space and the sports village on the site of the former steelworks sports facilities would provide formal sports pitches and a bowling green in the western part of the site.

7.3.15 It is concluded that the central and eastern areas of the site would have an adequate leisure provision in the future. Overall there is a broad conformity between this proposed subarea masterplan and with the approved Development Framework and the Indicative Masterplan since neither of the latter documents was to be slavishly followed. In any event the last subarea masterplan approval (10/0750) allowed substantial departure from the Indicative Masterplan and Framework and this has already been agreed by the Council.

7.4 Highways & Highway Hierarchy

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

7.4.2 Overall the network of roads, footways and cycleways forms a coherent and nested hierarchy of roads that if implemented will give appropriate access to public and private motor vehicles whilst catering for pedestrians and cyclists.

7.5 Scope for green infrastructure including public open space

7.5.1 The open space provision in the central and eastern parts of the site would be provided around the lakes that form a central spine through the area supplemented by the open space within the leisure hub. Much of this would provide formal sports provision; Tennis, Multiuse Games Area, Skatepark, Basket Ball and Waterside Activities but there is scope within this space for people to walk through and enjoy informal recreation in an area of open space. The blue spine through the site can provide for attractive waterside routes that are car free and would encourage walking and cycling.

7.5.2 The Eastern School Sports are an area that will deliver formal sporting facilities adjacent to the proposed site of the Glan Llyn East Primary School. These are initially shown as two grass rugby pitches at adult size but a neighbourhood equipped area of play is also shown within this area although arguably that should be within areas designated as Public Open Space. Again this space may provide additional opportunities for informal recreation alongside the formal sports use. This area will also deliver the school playing field which could potentially be available for community use. The eastern part of the site would also contain two adult football pitches and changing facilities

7.5.3 Other areas of informal amenity space are contained within the greenways and blueways which have been laid out. These can include attractive pathways, planting, and open water which pedestrians and cyclists can transit through

7.5.4 There is further scope for additional areas of informal space in the Ecology Park at the western end of the site adjacent to Newport Retail Park where the intention is to provide footways and potentially pedestrian access to the retail park.

7.5.5 Overall the open space provision within the central and eastern areas of the site is considered to be sufficient in quantity and distribution to meet the needs of residents. The provision is a work in progress with key elements being capable of being secured via the Section 106 agreement and phasing conditions. The greenways and blueways provide a viable and attractive grid to link the green spaces together and provide suitable opportunities for active travel. Integration of the site into the main urban area is problematic due to its historic detachment and intervening landownership but there is potential scope to directly link into Newport Retail Park in the future. The footway along the EDR is wide and provides a combined pedestrian / cycle route and this can be accessed from the site at multiple points. Currently this route provides the main link to the existing settlement.

7.5.6 Overall the proposed public open space is adequate in terms of its amount and its distribution and general accessibility to residents.

7.6 Integration of the site into the wider urban environment and integration of the development parcels with each other

7.6.1 The grid of blueways and greenways allows the different parts of the site to be integrated with one another by sustainable means, that is walking and cycling. Much of the road network will be designed for lower speeds which will tend to encourage cycling within and between the development parcels. The proposed loop road will allow a bus service to enter the site. Movement within the site and between the parcels is considered to be acceptably dealt with.

7.6.2 The site is landlocked to some extent having been in a former use as a heavy industrial site which was secured and did not allow public access. Integration of the site with the land to the west is problematic due to intervening private ownership. However the applicant has made scope for connections westward within the site and can do no more than that. Access to the north is totally constrained by the railway corridor. However access to the south via the EDR can be achieved and although there are limited number of junctions the site is integrated into this transport corridor. The difficulties of integrating the site into the wider urban fabric were understood at the time permission was granted and the applicant has made reasonable measures to incorporate the site into the wider urban fabric.

7.7 Layout, density & design and their response to context

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

7.8 Provision for active travel

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

7.9 Availability of local services

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

7.10 Provision for surface water storage

7.10.1 The proposed lakes although adding amenity and waterfrontage were initially required as surface water storage capacity and were an engineering response to accommodate floodwaters (including tidal flooding). However over the years the applicant has refined the flooding model and calculated the storage capacity can be effectively provided within the blueways and greenways and the lakes can be reduced in scale without damaging the necessary flood storage capacity. It should be noted that Cyfoeth Naturiol Cymru / Natural Resources Wales assessed the applicant's flood calculations in relation to application 18/0433 when the proposed lakes were much smaller than shown in this submission. CNC/NRW did not object to that application and would have less reason to object given the increase in storage capacity that has been shown

7.11 Section 106 Planning Obligation matters

7.11.1 Officers consider that the submission shows that the S106 agreement requirements can be met on the site in terms of the provision of public open space and leisure / recreation facilities. However certainty should be achieved in relation to the Sports & Bowling Club provision if this is to be relied upon to compensate for the loss of lake area within the central lakes. This can be achieved by an appropriate Deed of Variation to the existing S106 legal agreement.

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 relevant condition can be partially discharged.

10. RECOMMENDATION

APPROVED SUBJECT TO A DEED OF VARIATION TO THE EXISTING S106 AGREEMENT TO CLARIFY THE CONTENT AND DELIVERY OF THE SPORTS CLUB WITH DELGATED AUTHORITY TO REFUSE THE APPLICATION IF THE DEED IS NOT AGREED WITHIN 3 MONTHS OF ANY DECISION TO APPROVE THIS APPLCIATION IN PRINCIPLE

NOTE TO APPLICANT

01 This decision relates to the following plans & documents:

- Drawing 8111-008 A024 A – Glan Llyn S106 Public Open Space Provision
- Drawing 8111-08A011 Rev. P10 – Glan Llyn, ESAMP Indicative Masterplan
- Drawing 8111-008 A024 A – Eastern Sub-Area Masterplan S106 Public Open Space Provision
- Glan Llyn Eastern Sub-Area Masterplan (Revision C) September 2019
- Glan Llyn Eastern Sub Area Drainage Strategy (January 2019)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP3, SP10, SP11, SP12, SP13, SP14, SP18, GP1, GP2, GP3, GP4, GP5, GP6, GP7, CE1, CE9, H1, H2, H3, H4, T3, T4, T5, CF2, CF13 & W3 were relevant to the determination of this application.

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

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

APPLICATION DETAILS

No: 19/0650 Ward: **LLANWERN**

Type: Discharge of Conditions

Expiry Date: 15 August 2019

Applicant: **SAINT MODWEN DEVELOPMENTS LIMITED**

Site: Glan Llyn Development Site, Queensway, Llanwern, Newport

Proposal: **PARTIAL DISCHARGE OF CONDITION 04 (EASTERN SUB AREA MASTERPLAN) OF PLANNING PERMISSION 06/0471 FOR GLAN LLYN DEVELOPMENT SITE**

1. LATE REPRESENTATIONS

1.1 Two pieces of correspondence were received from Llanwern Community Council raising the following points:

Item 1

- a. The proposed LAPs on the site are 100 square metres and not 250 square metres as required under the Council's Play Space Supplementary Planning Guidance.

- b. There should be 2500 square metres of equipped play for every 1000 residents, that is 20,000 square metres for the completed development (a final population of 8000 people).
- c. It is not clear how much informal green space will be available since the 'Northern Woods' will be inaccessible.

Item 2

- a. Approved Green Travel Plans have not been implemented
- b. There is no Newport City Council representative on the Community Management Company for Glan Llyn. This is required by the Section 106 legal agreement that formed part of permission 06/0471.
- c. Approval 16/1295 allows surface water from Glan Llyn to be pumped to the Monk's Ditch; what will be the impact on the Gwent Levels.
- d. Who will maintain the new pumping stations?
- e. When the Monk's Ditch is full what will happen to surface water on Glan Llyn?
- f. Why is the Tata drainage system no longer being used?
- g. The Section 106 agreement requires 80no. Local Areas of Play to cover 3.2Ha – that is 400 square metres each. The installed LAPs are smaller than this.
- h. Other than the clock on the Eastern Distributor Road no public art has been provided as required in the S106 legal agreement.
- i. It is not clear what parking standard is being used to assess Glan Llyn applications.
- j. The Local Centre has not been completed which encourages car use.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

- 2.1 Items 1a & 2g. The provided LAPs vary in size on Glan Llyn and are either provided separately within the urban area or are included in the open space provision (blueways / greenways / park). The latter is allowed under the terms of the Section 106 agreement which is to say that equipped play can be counted as part of the 'open space' provision on the site. The Council has required a LAP to be fenced, have a bench, a bin and one piece of play equipment or a play feature aimed at small children. Many take on the character of pocket parks. The SPG allows a minimum size of 100 square metres for a LAP. The comment in relation to the S106 agreement seeking 400 square metres for such a feature is noted but given the scale and nature of the provision the smaller area is considered acceptable and fencing in large areas of amenity space to no particular end seems unnecessary. The applicant notes that LAPs require a 5m buffer from houses which if included takes them up to the 400 square metre scale.
- 2.2 Item 1b; the Section 106 agreement allows for 80 LAPs, 10no. Locally Equipped Areas of Play and 2no. Neighbourhood Equipped Areas of Play across the whole site. Under the SPG standard this would minimally amount to 14,000 square metres of equipped play space but it could be more depending on the precise nature of any submission. The Play Space SPG makes provision on large sites for 'development briefs that will specify the amount, type and preferred location of open space' which has in effect been agreed on this site with the number of equipped play areas having been agreed at the time the application was determined. As noted the minimum size standards could be exceeded.
- 2.3 Item 1c – the applicant identifies 30.4Ha of amenity open space across the whole site. This does not include the Northern Woods which are accepted as inaccessible or the areas around the recently constructed northern ditch. It does include areas of park, the greenways, the blueways and the Ecology Park. It does not include the water bodies. It is presumed the areas of equipped play are included in this calculation but there is a risk of 'double counting' if these are subsequently moved out of areas shown for development and into the informal green areas. Additionally other pieces of infrastructure such as pumping stations will reduce the amount of useable Public Open Space to less than it might appear and one of the NEAPs is shown within the eastern school sports rather than in the public open space category. However there is no reason to think the S106 requirement of 25.8Ha of open space cannot be met subject to careful audit of Reserved Matters as they are submitted. It will be necessary to monitor the provision of the LAPs and where they are being located and to make sure the greenways and blueways accord with the masterplanning submission.

- 2.4 Items 2a & 2b: non compliance with the relevant planning conditions and S106 agreement can be investigated under enforcement powers.
- 2.5 Items 2c-2f: Approval 16/1295 allowed for the construction of new ditches and pumping stations that would discharge to the Monk's Ditch rather than via the existing steelworks drainage system that was instituted in the 1960s. This approval was not objected to by Cyfoeth Naturiol Cymru / Natural Resources Wales and is subject to conditions in relation to volumes of discharge and water quality. At times of high flow in the Monk's Ditch water will be held on Glan Llyn and then pumped when levels fall. The drainage system is understood to be private and will be operated by the Management Company.
- 2.6 Item 2h: The sub-area masterplan includes a public art strategy which will inform future Reserved Matters submissions in relation to public open space.
- 2.7 Item 2i: The relevant Parking Standard is the 'Parking Standards' Supplementary Planning Guidance (August 2015).
- 2.8 Item 2j: The S106 agreement requires the delivery of the following in the Local Centre:
- Community Centre – 1000 dwellings
 - Surgery / Pharmacy – 1000 dwellings
 - Nursery
 - Health & fitness
 - Supermarket
 - Other retail
 - Cafes / Takeaways
 - Pub
 - Offices

Delivery of the items not provided with a trigger is subject to control via the phasing condition on the outline planning permission. This does not definitively guarantee delivery which will be market dependent for the commercial units, but it does give scope to secure a reasonable delivery timescale, certainly before all of the housing phases are complete. However the Council will need to be realistic in relation to that phasing programme. Very early delivery is not likely to be viable for the developer or prospective occupiers of the units since a critical mass of population will not have been achieved.

3. OFFICER RECOMMENDATION

- 3.1 That the application is approved as recommend:

APPROVED SUBJECT TO A DEED OF VARIATION TO THE EXISTING S106 AGREEMENT TO CLARIFY THE CONTENT AND DELIVERY OF THE SPORTS CLUB & BOWLING CLUB WITH DELGATED AUTHORITY TO REFUSE THE APPLICATION IF THE DEED IS NOT AGREED WITHIN 3 MONTHS OF ANY DECISION TO APPROVE THIS APPLICATION IN PRINCIPLE



Report

Planning Committee

Part 1

Date: 2nd October 2019

Item No: Insert item number here

Subject **Appeal Decisions**

Purpose To inform Members of the outcome of recent appeals

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

Wards Beechwood

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

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

Action by Planning Committee

Timetable Not applicable

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

Background

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

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

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

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

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

Financial Summary

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

Risks

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

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

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

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

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

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

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

Options Available

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

Preferred Option and Why

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

Comments of Chief Financial Officer

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

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

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

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

Comments of Monitoring Officer

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

Staffing Implications: Comments of Head of People and Business Change

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

Local issues

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

Equalities Impact Assessment and the Equalities Act 2010

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

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

Children and Families (Wales) Measure

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

Consultation

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

Background Papers

Not applicable

Dated: 2nd October 2019

Planning Application Appeal

Reference	19/0086
Address	Pioneer Club, Rochester Road, Newport, NP19 8PB
Development	Change of use on ground floor from a working mens club to an A3 use class with two flats on first floor
Appellant	Mr Dorian Payne
Delegated Decision	Refuse
Committee Decision	N/A
Appeal Decision	Dismissed

Planning Application Appeal

Reference	18/0711
Address	28 Lucas Street, Newport, NP20 5FB
Development	Change of use of 4no. bedroom dwelling to 4no. bedroom house in multiple occupation
Appellant	Mathison and Bell Ltd.
Delegated Decision	Granted with Conditions
Committee Decision	Refuse
Appeal Decision	Allowed

Enforcement Prosecution

Reference	E17/0462
Address	526 Caerleon Road
Breach	Excavation of front garden to create parking bay
Court	Cwmbran Magistrates
Date of hearing	09/09/2019
Defendant 1	Robert Godsell
Fine	£305
Defendant 2	Nicola Harrison
Fine	£154
Costs	£294.26

Enforcement Prosecution

Reference	E15/0337
Address	Land South East Of Rhubina Farm, St Mellons Road, Marshfield, Cardiff
Breach	Siting of two residential static caravans
Court	Cwmbran Magistrates
Date of hearing	09/09/2019
Defendant	Pauline Thomas
Fine	£225
Costs	£708.20

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