

# Agenda



## Planning Committee

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Date: Wednesday, 6 May 2020

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

### Part 1

#### Item

#### Wards Affected

1. Development Management: Planning Application Delegated Decision Schedule (Pages 3 - 60)

Contact: Neil Barnet, Governance Officer :  
Tel: 01633 656656  
E-mail: [democratic.services@newport.gov.uk](mailto:democratic.services@newport.gov.uk)  
Date of Issue: Wednesday, 29 April 2020

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# Report

## Delegated

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### Head of Regeneration and Housing Decision taken under delegated powers during lockdown in consultation with the Chair of Planning – no public meeting has taken place

#### Part 1

Date: 6<sup>th</sup> May 2020

**Subject** Planning Decision Schedule

**Purpose** To record decisions made on Planning Applications

**Author** Development and Regeneration Manager

**Ward** As indicated on the schedule

**Summary** In consultation with the Chair or Deputy Chair of Planning Committee, the Development and Regeneration Manager has delegated powers to determine planning applications previously determined by Planning Committee. The schedule attached details decisions made on 6<sup>th</sup> May 2020.

This report details planning decisions already taken and is provided for information purposes. 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.

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** To note Decisions as shown on the attached schedule

**Action by** Development and Regeneration Manager

**Timetable** Immediate

This report was prepared after consultation with:

- Local Residents
- Members
- Statutory Consultees

The decisions 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**

This report details planning decisions already taken in consultation with the Chair or Deputy Chair of Planning Committee in relation to applications ordinarily decided by Planning Committee and is provided for information purposes only. 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.

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

## **Financial Summary**

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

## **Risks**

Three main risks are identified in relating to the determination of planning applications: 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. Some applications, for example those which require a Section 106 agreement, are unlikely to be determined within the statutory time period. Appeals against non-determination are rare due to the further delay in receiving an appeal decision: it is generally quicker for applicants to wait for the Planning Authority to determine the application. Costs could only be awarded against the Council if it is found to have acted unreasonably. Determination of an application would only be delayed for good reason, such as resolving an objection or negotiating improvements or Section 106 contributions, and so the risk of a costs award is low.

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

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

<b>Risk</b>	<b>Impact of risk if it occurs* (H/M/L)</b>	<b>Probability of risk occurring (H/M/L)</b>	<b>What is the Council doing or what has it done to avoid the risk or reduce its effect?</b>	<b>Who is responsible for dealing with the risk?</b>
Decisions challenged at appeal and costs awarded against the Council.	M	L	Ensure reasons for refusal can be defended at appeal.	Development and Regeneration Manager
			Ensure planning conditions imposed meet the tests set out in Circular 016/2014.	
			Provide training to Officers regarding relevant material planning considerations, conditions and reasons for refusal.	
			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.	Development and Regeneration Manager
Judicial review successful	H	L	Ensure sound and rational decisions are made.	Development and

<b>Risk</b>	<b>Impact of risk if it occurs* (H/M/L)</b>	<b>Probability of risk occurring (H/M/L)</b>	<b>What is the Council doing or what has it done to avoid the risk or reduce its effect?</b>	<b>Who is responsible for dealing with the risk?</b>
with costs awarded against the Council				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 well-being objectives, which contribute to the achievement of the objectives contained in the Well-being plan. The Corporate Plan also links to other strategies and plans, the main ones being:

- Newport's Well-Being Plan 2018-2023;
- 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**

Not applicable. This report details decisions already made under delegated powers.

### **Preferred Option and Why**

Not applicable. This report details decisions already made under delegated powers.

### **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 a risk of decisions being challenged at appeal. The costs of defending decisions and any award of costs must be met by existing budgets.

### **Comments of Monitoring Officer**

There are no legal implications as the Reports are for information only and the decisions have already been taken under delegated powers.

## **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 Chair of Planning Committee**

The Chair or Deputy Chair of Planning Committee has been consulted on the decisions made and recorded in this 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 balance 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 are 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 Well-being objectives published in the Newport Well-Being Plan in May 2018. Specifically, Objective 4 (Newport has healthy, safe and resilient environments) which aligns with the adopted Newport Local Development Plan (2011-2026) and seeks 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

Welsh National Marine Plan November 2019

#### *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)



## **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) (updated January 2020)  
House Extensions and Domestic Outbuildings (adopted August 2015) (updated January 2020)  
Houses in Multiple Occupation (HMOs) (adopted August 2015) (updated January 2017)  
New dwellings (adopted August 2015) (updated January 2020)  
Parking Standards (adopted August 2015)  
Planning Obligations (adopted August 2015) (updated January 2020)  
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)  
Waste Storage and Collection (adopted January 2020)

## **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:** 19/1231      **Ward:** GRAIG

**Type:** FULL

**Expiry Date:** 09-MAY-2020

**Applicant:** PAUL AND KATERINA TREASURE AND LEADER

**Site:** 27, PENYLAN CLOSE, BASSALEG, NEWPORT, NP10 8NW

**Proposal:** CONSTRUCTION OF DETACHED DWELLING AND ASSOCIATED PARKING. RESUBMISSION OF APPLICATION 18/0980

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

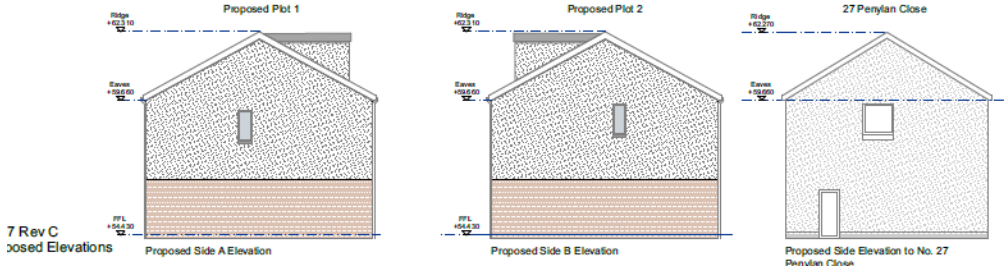
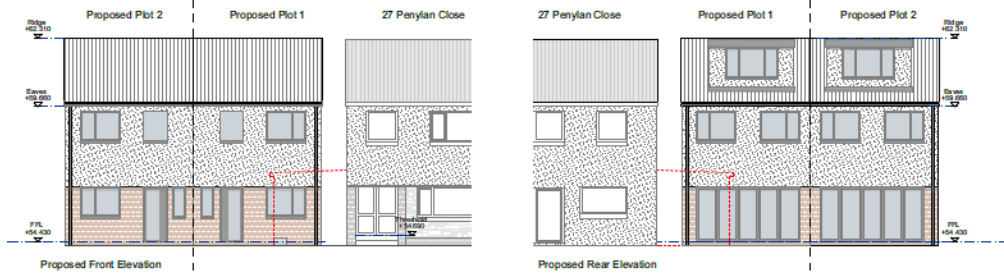
**1. INTRODUCTION**

- 1.1 This application seeks full planning permission for the construction of 1No. 3 bed detached dwelling in the garden to the side of 27 Penylan Close. It is proposed to create new parking areas to the front and carry out various landscaping works. The site is situated in a residential area of Bassaleg within the urban boundary (as identified within the Adopted LDP) and there are no other constraints or designations on the land
- 1.2 The application is brought before Planning Committee at the request of Councillor Williams due to concerns that the proposal had not overcome the Inspector's reason for dismissing the appeal, including the loss of the green area at the end of the cul de sac, the low architectural quality of the design, the dormer window not being in compliance with the Council's design guidance for extensions, therefore, failing to comply with the requirements GP2, GP6 and H6 and the Council's House extensions and Outbuildings Supplementary Planning Guidance.
- 1.3 The amended scheme has been submitted in an attempt to address the reasons for refusal by the Council and the Inspector's appeal decision. The amended scheme has reduced the number of dwellings from a pair of semi detached dwellings to a single detached property. In addition, the proposal would retain the attached garage at No. 27, Penylan Close and reduces the area of hardstanding and retaining walls to the front of the property.
- 1.4 As such, the primary considerations in this application relate to the principle of a dwelling at this location, the design and scale of the proposed dwelling, its impact upon the amenities of the nearby residential occupiers and the wider visual amenities of the street scene as well as highway safety, parking implications and drainage. These matters will be considered as well as if the amended scheme mitigates the issues of overdevelopment of an infill plot and its impact upon the visual amenities of the street scene set out by the Inspector in his reasons for dismissing the appeal.

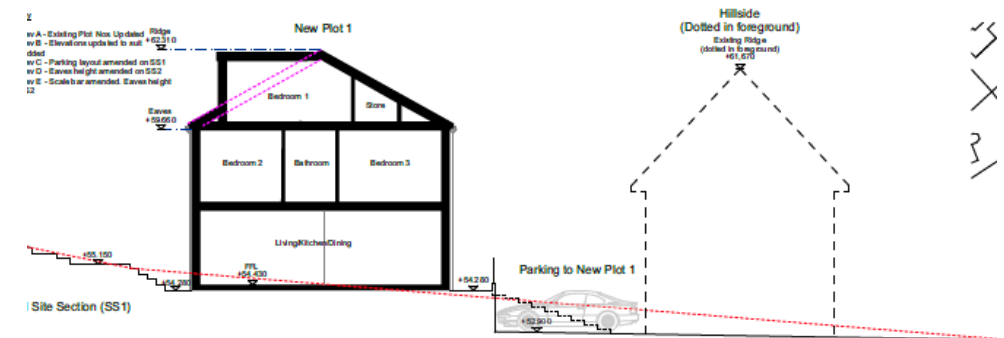
**2. RELEVANT SITE HISTORY**

- 2.1 18/0980- DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF 2NO. DWELLINGS AND ASSOCIATED PARKING- REFUSED**

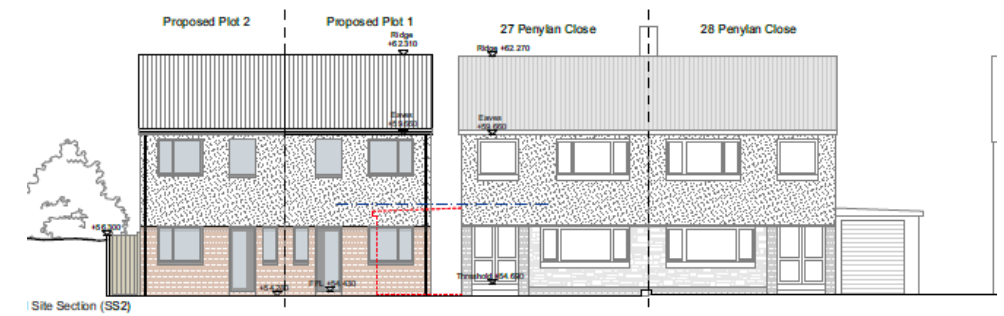
Extracts of the refused scheme are shown below for ease of reference



7 Rev C  
osed Elevations

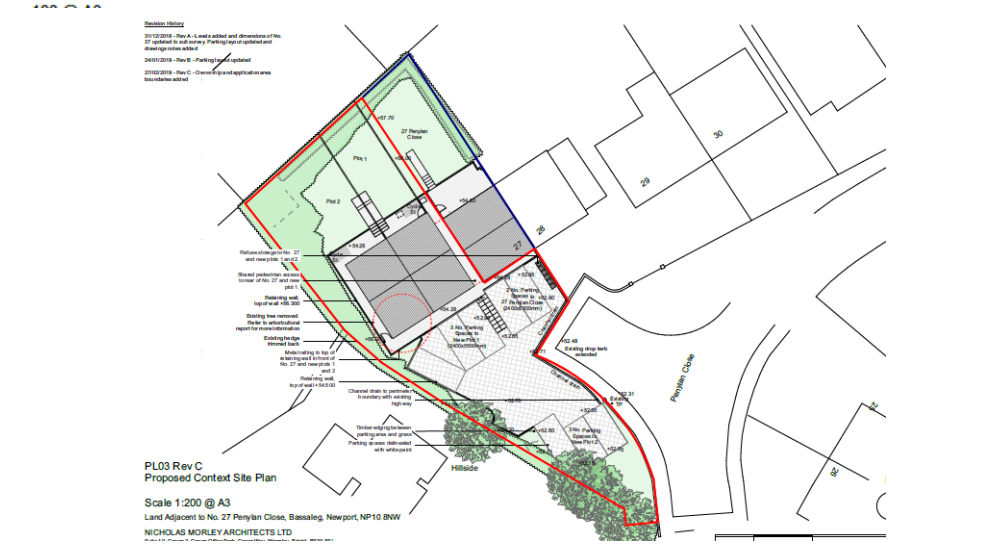


Site Section (SS1)



Site Section (SS2)

ev E  
ad Site Sections 1 and 2



PL03 Rev C  
Proposed Context Site Plan  
Scale 1:200 @ A3  
Land Adjacent to No. 27 Penylan Close, Bassing, Newport, NP10 8NW  
NICHOLAS MORLEY ARCHITECTS LTD

## Reasons for Refusal

*The proposal represents an overdevelopment of the site that would be out of keeping with the character of the properties in the road, resulting in a detrimental impact upon the visual amenities of the street scene. In this respect, the development would be contrary to the aims and objectives of policies GP2, GP6 and H6 of the Newport Local Development Plan 2011-26 Adopted Plan January 2015.*

The decision was appealed and dismissed on 4<sup>th</sup> October 2019

### **3. POLICY CONTEXT**

3.1 Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Newport Local Development Plan 2011-2026 (Adopted January 2015) and within which the following policies are of relevance

#### **3.1.1 Strategic Policies**

SP1 Sustainability  
SP2 Health  
SP4- Water Resources  
SP13 Planning Obligations  
SP18- Urban Regeneration

#### **3.1.2 General Policies**

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

#### **3.1.3 SMALL SITES , INFILL AND WINDFALL SITES**

H2 Housing Standards  
H4 Affordable Housing  
H6 Sub-division of Curtilages, Infill and Backland Development

#### **3.1.4 Transport**

T4 Parking

#### **3.1.5 Waste**

W3 Provision for Waste Management Facilities in Development

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

- Planning Obligations SPG
- Wildlife and Development SPG
- New Dwellings SPG
- Parking Standards SPG
- Trees, Woodland, Hedgerows and Development Sites

### **3.3 Planning Policy Wales**

3.3.1 National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application. The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

3.3.2 The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking.

- Maximising well-being and sustainable places through placemaking (key planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Accessibility
- Supporting Infrastructure

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing)

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic environment, Green Infrastructure, Landscape, Biodiversity and Ecological networks)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a derisking approach)

**3.4 Technical Advice Notes:**

3.4.1 The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 5 – Nature Conservation and Planning
- Technical Advice Note 12 – Design (2016)

**3.5 Other relevant evidence or policy guidance:**

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

**4. CONSULTATIONS**

4.1 DWR CYMRU/WELSH WATER: The proposed development site is crossed by a public sewer. No surface water and/or land drained shall be allowed to connect directly or indirect with the public sewerage network.

To ensure the protection of the existing asset crossing the development site a condition is suggested for the applicant to submit a drainage scheme (*disposal of foul, surface and land water, and include details of proposals for the diversion of the on-site public sewer*) prior to the commencement of development (of which they would show the diversion as part of this scheme). From a planning perspective we would be satisfied that this would confirm the assets future protection as part of the development. They would then of course apply to us for a formal S185 application to divert the asset of which is outside of the planning process.

**5. INTERNAL COUNCIL ADVICE**

5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS) - The Highways Authority is satisfied that parking can be provided in accordance with the Newport City Council Parking Standards and provided appropriate pedestrian visibility splays are provided to the access and drainage of water run off then the Highways section would offer no objection to the application

5.2 HEAD OF STREETSCENE AND CITY SERVICES (TREE OFFICER) - No objections to the scheme.

- 5.3 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY OFFICER) - The site does not support any priority habitat and has limited potential to support protected or priority species (nesting birds, low risk for reptiles). No surveys are required.

However, no ecological enhancements have been included in the development. Enhancements for biodiversity are required as part of all planning applications, to ensure we meet our duty under Section 6 of the Environment (Wales) Act 2016, and in accordance with Planning Policy Wales and LDP policy GP5. All developments must promote and encourage biodiversity and ecological connectivity, including through the incorporation of new features. As per the Dear CPO letter dated 23rd October, applications that do not include biodiversity enhancements should be refused. Appropriate biodiversity enhancements that are proportionate and achievable within the scheme are required; at this site bird or bat boxes on the gable end of the building may be appropriate. Enhancements must be shown on the plans suitable for approval.

- 5.4 HEAD OF REGENERATION AND REGULATORY SERVICES (PUBLIC PROTECTION MANAGER)- The Environmental Health officer has no objections to the proposals; however recommend that the following condition that construction and demolition hours are restricted between 8am-6pm Monday to Friday, 8am to 1pm on Saturday and no work or deliveries in Sundays or Bank Holidays.

- 5.5 HEAD OF REGENERATION AND REGULATORY SERVICES (PLANNING CONTRIBUTION MANAGER)- There is a policy requirement for sites of fewer than 10 dwellings within the settlement boundary, or fewer than 3 dwellings within the defined village boundaries, to provide a commuted sum contribution to assist the Council in meeting its on-going requirement for affordable housing. The following planning obligation is required to mitigate the impact of the development and create a sustainable development.

#### **Affordable Housing Contribution**

Based upon a net increase of 1 x 4 bedroom houses, and subject to economic viability, a commuted contribution of £3,212 would be requested for affordable housing provision.

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

## **6. REPRESENTATIONS**

### **6.1 NEIGHBOURS:**

All properties with a common boundary with the application site and those that provided representations to 18/0980 application. 2 letters of representation have been received regarding the initially proposed scheme and maintained most of the objections following amendments. The main issues raised are summarised below: -

- Scale of property as well as low quality design and materials
- Privacy impact from proposed dormer
- Increase in traffic, noise and disturbance
- Loss of trees, hedgerow and vegetation
- Parking
- Loss of protected wildlife- Slowworms and Bats
- Increased pressure on stretched services such as doctors, schools
- Loss of View
- Impact upon light into neighbouring gardens
- Proposed Dormer is not in keeping with area and eyesore as well as not complying with the Council's SPG on house extensions and outbuildings
- Inaccuracies on submitted plans
- Structural damage to established boundary wall to rear of site
- Amended siting of dwelling increases privacy impact on neighbour
- Concerns over 'build creep' of dwelling height in order to accommodate bedroom in roofspace
- Distances to boundaries and dormer height should be annotated on plans
- Parking area has permeable paving to drain but due to 1:10 gradient it will run off onto highway

- Hedgerow removal will be 50% loss of hedgerow, which means it is unlikely to survive.

6.2.1 COUNCILLORS: Ward Councillors were consulted.

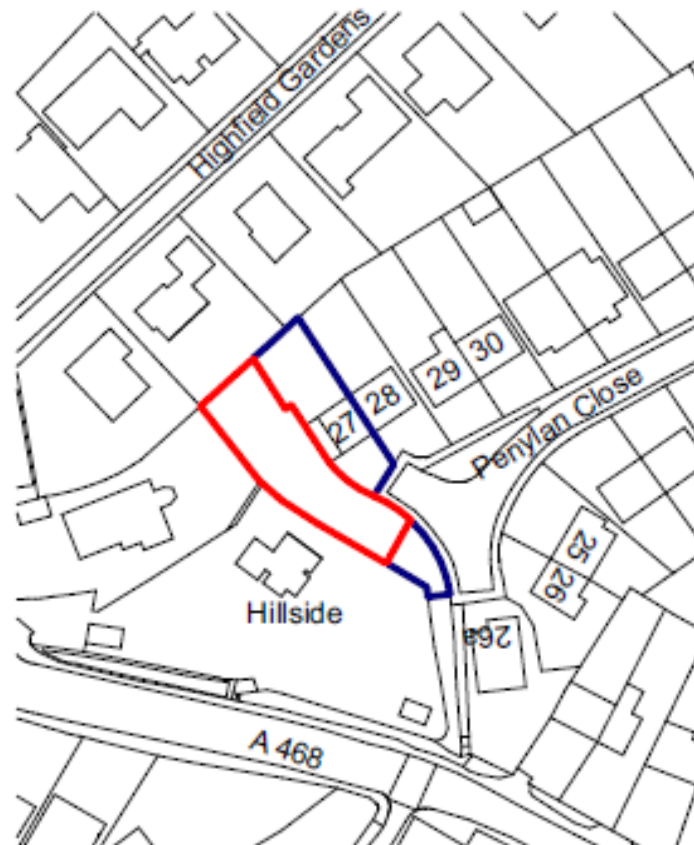
- **Councillor D. Williams**- Councillor Williams has raised objections to the proposal due to its failure to address a number of the primary reasons that the appeal inspector stated in the dismissal of the previous proposal. Meaning that it still fails to comply with Policies GP2, GP6 and H6. In addition the dormer fails to comply with Newport's own Supplementary Planning Guidance. For these reasons and those raised by neighbouring properties, Councillor Williams requested that the application is determined at Planning Committee.
- **Councillor M Cornelious**- No response has been received.

6.3 GRAIG COMMUNITY COUNCIL: No representations have been received to date.

## 7. ASSESSMENT

### 7.1 Site and Context

7.1.1 The site relates to the curtilage of a semi dwelling located at the turning head at end of a 1960's residential estate. The property is not within any designations and bound by residential properties to the east, north and west and fronts the highway in a southerly direction. An extract of the site location plan is set out below: -



7.1.2 The site is situated on a residential street scene that has a typical format of semi-detached houses fronting the road at either side with attached flat roofed single storey garages to the side. There is a level difference between the properties and the highway, with the application site being higher than the road and those to the south being situated at a lower level. Although there is consistency in the building line, the spaces and gaps in-between and the general appearance of the properties, there are various alterations to neighbouring properties, including: two storey side extensions (over the garage), single storey front extensions garage conversions and rear dormers. In addition, within close proximity of the site, a one and a half storey dwelling opposite the application site (no.26a) was approved in 1999.

7.1.3 To the rear are detached dwellings along Highfield Gardens, these are significantly higher than the application site. To the side (west) Hillside and 1 Highfield Lane are large individual designed detached dwellings set in larger plots. While glimpses of Hillside and Highfield Gardens are possible across the substantial boundary hedge and between dwellings, from the street scene the site reads as part of Penylan Close. To the south of the site a footpath connects Penylan Close to Caerphilly Road.

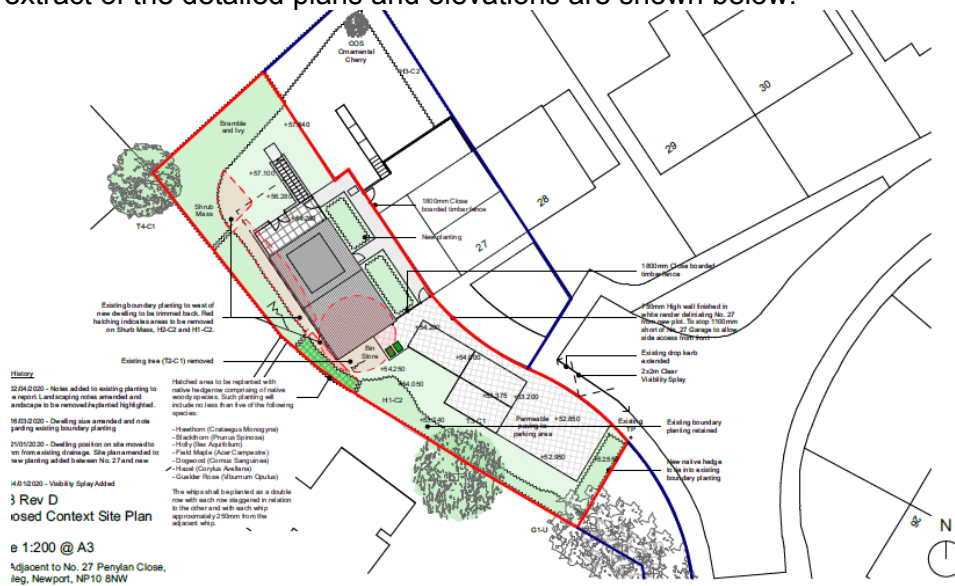
7.2 Description of Development

7.2.1 The application seeks permission for a detached four bed property within the side garden of 27, Penylan Close. The dwelling will utilise the side amenity of the existing property fronting the road. The footprint of the dwelling would measure approximately 9.3m depth by 5.3m wide and would be two storey in height (7.9m to ridge) with accommodation in the roof.

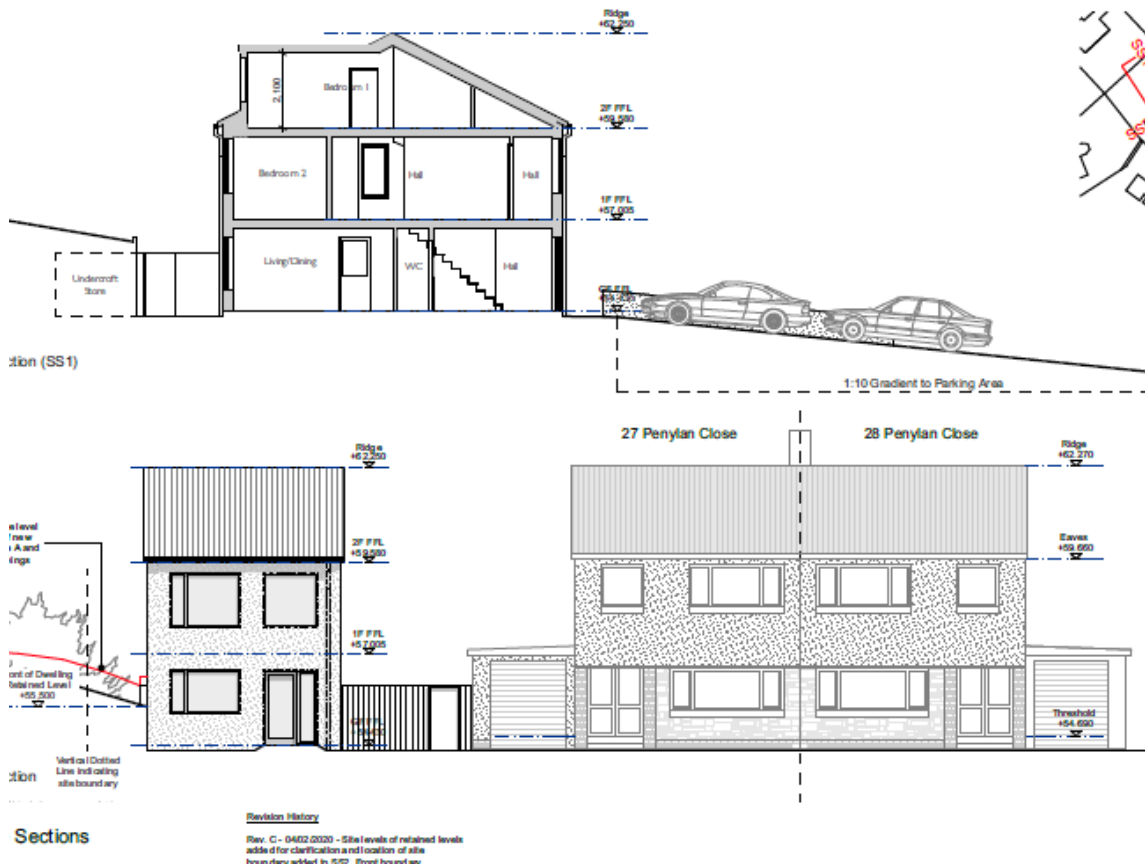
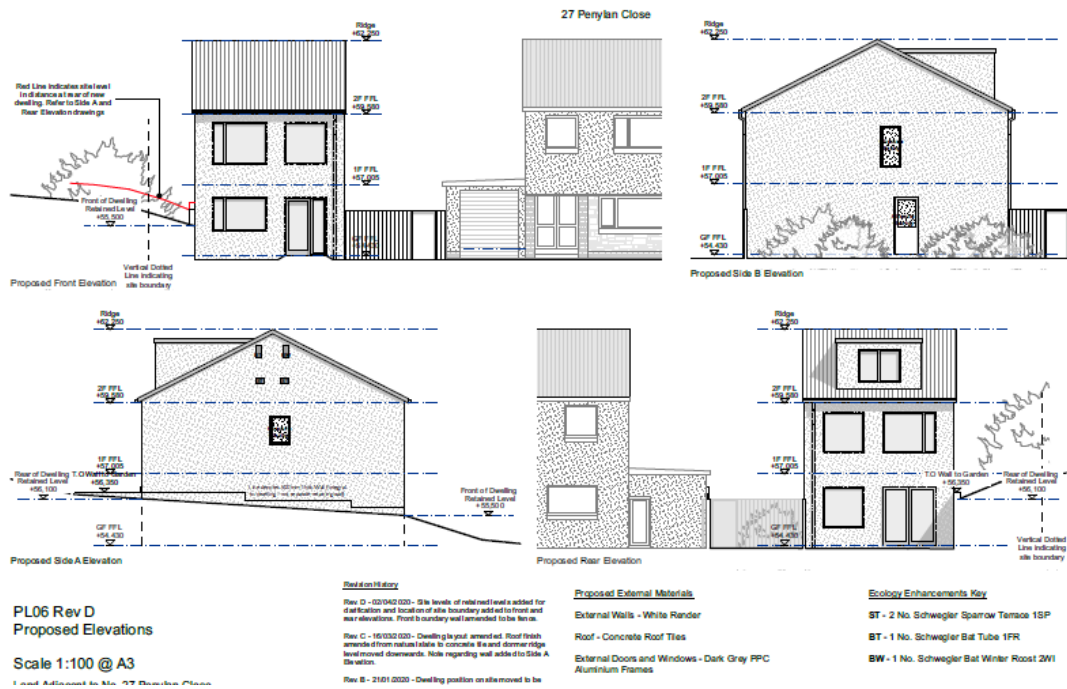
7.2.2 The roof would be extended with a flat roofed dormer to accommodate the fourth bedroom and measure approximately 3m wide by 3.7m depth by 1.8m high and 0.5m from ridge. The ground floor of the property would contain a living room/kitchen/diner and WC and a bathroom and three bedrooms at first floor level

7.2.3 The scheme also proposes an enlarged vehicular access and parking area to serve the dwelling. The parking area would be on a sloping driveway 1:10 gradient. A lower rear patio area with stairs up to the rear garden are shown to provide amenity space. A grassed and landscaped area looking to retain some of the existing vegetation to the front, side and rear.

7.2.4 An extract of the detailed plans and elevations are shown below: -







## 7.3 Principle of the Development

7.3.1 The site is located within the residential area of Bassaleg within the urban boundary as defined in the LDP. Strategic policies SP1- Sustainability, SP18- Urban Regeneration along promote sustainable residential development within the urban boundary, subject to the development criteria of general policies H4- Affordable Housing, H6 Sub-division of Curtilages, Infill and Backland Development and GP2- General Amenity, GP3- Service Infrastructure GP4- Highways and Accessibility, GP5- Natural Environment, GP6- Quality of Design, GP7- Environmental Protection and Public Health and T4- Parking being satisfied as well as the advice and guidance of the SPG's set out above.

7.3.2 Policy H6 indicates that residential development on infill sites, such as this, would not represent an overdevelopment of the site. The general design and amenity policies require, amongst other criteria, that the scale, form and character of new residential development to be sympathetic to the environs of the site and requires the proposal to have no unacceptable effect on the amenity and character of existing or neighbouring environments by virtue of noise, traffic congestion, exacerbation of parking problems or visual intrusion. Development must also meet the Council's approved amenity and parking standards and minimise any detrimental impact on adjacent areas.

7.3.3 The primary considerations in this application relate to the design and scale of the proposed dwelling, its impact upon the amenities of the nearby residential occupiers and the wider visual amenities of the street scene as well as highway safety, parking implications and drainage. These matters will be considered in turn: -

#### 7.4 Visual Impact

7.4.1 In considering the visual impact of the proposal, it is necessary to set out the context of the application site and its character. The context has been described above but when in this case it is also helpful to have regard to the recent appeal decision. The Inspector's appeal decision set out the context clearly in paragraph 4 and his reasons why the previous application for a pair of semi detached dwellings was considered unacceptable in paragraph 5 below:

4. *'The surrounding properties are largely of a similar age and appearance, being set back from the road and most having front garden areas with attached garages to the side elevation. The spacing between properties is generally consistent, although some have been extended above their garage, thereby reducing the separation distance at first-floor level. Building lines, orientation and roof heights and styles are also generally uniform, and this consistency of layout and appearance contributes to the character of the area. The front garden of No. 27 is larger than neighbouring properties and consists of a grassed area, trees and extensive vegetation along the western boundary. Due to its position at the end of the cul-de-sac, this area is visible when approach*

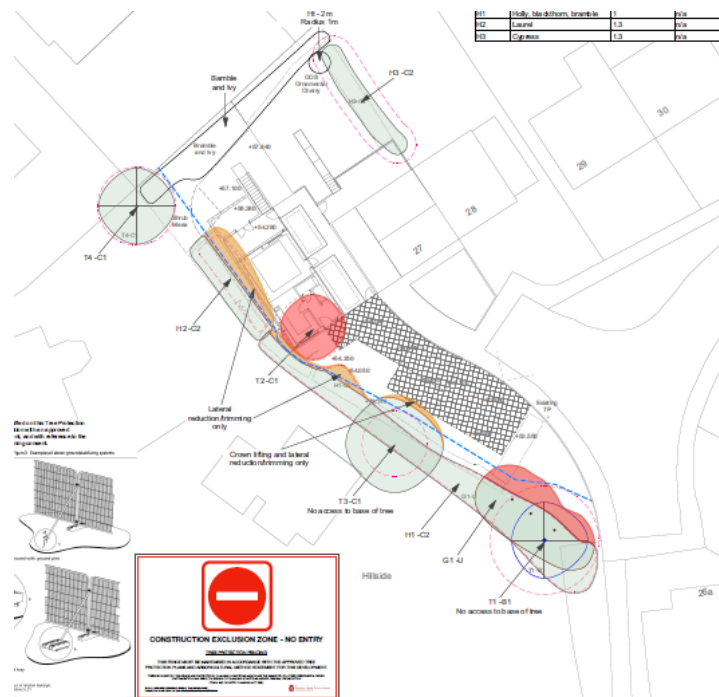
5. *The proposed development would replace the existing garage of No. 27 with a pair of semi-detached dwellings, along with the creation of a parking area to the front of the site which would serve the three properties. Although the proposed dwellings have been designed to reflect the features and materials of the surrounding properties and would be in keeping in terms of scale, height and building line, the side elevation of Plot 1 would be positioned close to No. 27 with a narrow access strip separating the two properties. Due to the irregular plot shape and proximity to No. 27, the result would be the appearance of a cramped development. Although there are some examples of reduced spacing between other dwellings as a result of side extensions, I do not consider these to have resulted in an absolute change to the character of the area thereby justifying further visual harm.*

7.4.2 It is considered that the concerns regarding the previous scheme were with respect to the loss of the garage to the existing property, the closing up of the consistent spacing between dwellings as well as the visual impact of the extensive hard surfacing and retaining walls to the front of the site. In an effort to overcome these concerns, the scheme has been amended to propose a single detached dwelling, retaining the garage and widening the space between the existing and proposed dwelling whereas the retaining walls to the front have been removed and a reduced hardstanding is proposed.

7.4.3 With the above in mind, it is considered that the changes would mitigate the impact on the street scene raised by the Inspector by retaining the existing garage and increasing the distance between the two dwellings so that the development does not appear cramped and the spacing remains consistent. By increasing the gap and dropping the number of dwellings, the overall scale, mass and width of the proposed scheme would be reduced, however, in this instance it is considered that the proposed single dwelling has a similar width to a one half of the pair of the semi-detached dwellings and looks to match the building line, eaves and ridge heights. The dwelling is also sited at the end of the street where the mix of detached

and semi detached dwellings side by side would not be harmful to the street scene. For instance, the proposal would not be situated in between two pairs of semi-detached dwellings where a single detached dwelling of less scale and mass may appear out of place and impact upon the uniformity of the street scene.

- 7.4.4 Accordingly, it is considered that the scale, design and appearance of the dwelling is considered acceptable and it would not have a detrimental impact upon the street scene. The materials would not necessarily replicate the finishes of the host dwelling but there are examples of varied finishes to the dwellings along the street and the proposed rendered wall and concrete tiled roof would be an acceptable finish within a residential estate such as this.
- 7.4.5 The dormer to the rear, albeit large, is set down from the ridge and in from the edge of the roof so that it sits subserviently within the main roof plane. The bulk and length of the dormers would be visible within close proximity but would not be a prominent feature. Nevertheless, the dormer is of a scale and design that is considered appropriate and it would not have an unacceptable impact on the character and appearance of the street scene.
- 7.4.6 The application has also been supported by a tree report, which includes a tree survey, impact assessment and protection plan relating to the potential impact on trees. The survey supports this by indicating that the specimens are not of a quality where they needed to be protected. While the objector's comments in relation to the submitted tree report are noted the Council Tree Officer raises no objections to proposed loss of the tree, cutting back of the hedgerow and the landscaping scheme. Extract of planting scheme below: -



- 7.4.7 The presence of trees and greenery to the front of the dwellings are considered a valuable feature in the street scene and the loss of greenery to the front along with the overdevelopment were the reasons the previous application was dismissed at appeal. The Inspector indicated that the front area provided some 'visual relief' within a built up area and concluded that the extensive hard standing and retaining walls would have an unacceptable impact upon the street scene.
- 7.4.8 The amended scheme would still result in the loss of a tree to the centre of the site as well as the cutting back of the hedge on the western boundary to accommodate the dwelling and parking area. However, in order to mitigate the reasons for refusal, the applicant has significantly reduced the need for retaining walls, by sloping the driveway area, as well as retaining the front garden of the existing property and reducing the area of hard standing to accommodate only three spaces rather than eight. As such, in comparison to the refused

scheme, the proposal seeks to retain a larger area of the green space to the front and side as well as reducing the hard standing and large retaining walls.

7.4.9 Although it is recognised that the development would still result in the loss of a tree and the cutting back the existing hedgerow, the impact upon the street scene would be reduced by the amendments to the hardstanding and level changes. For instance, the reduced parking area is more in line with a larger driveway/hard standing area whereas the improved landscaping scheme would still provide some appropriate visual relief at the end of the cul de sac.

7.5 The objector's comments in relation to the submitted tree report and the potential loss of the hedgerow by cutting it back are noted, but the Council's Tree Officer raises no objections to proposed loss of the tree or the cutting back of the hedgerow. Furthermore, any loss of landscaping features to be retained during the construction phase or within 5 years of completion would have to be replaced in line with the requirements of a standard landscaping condition.

7.6 In summary, it is considered that the revised scheme has mitigated the previous reasons for refusal by reducing the number of dwellings and ensuring sufficient space is maintained between the proposed and existing dwelling. This has ensured that the proposed infill would not appear cramped and contrived on the infill plot, whereas the parking requirements and the amendments to the levels to the front ensure that some green space is retained and reduces the visual impact upon the street scene. As such, the proposal is considered to be compliant with the requirements of H6, GP2 and GP6 of the Adopted LDP 2011-2026.

#### 7.5 Impact upon neighbours

7.5.1 The previous scheme for the pair of semi detached dwellings was considered in respect of the impact on the same neighbouring dwellings. In the previous case, the siting of the dwellings as well as their orientation were very similar. In the previous case, the Council did not refuse the application due to neighbouring impacts and the Inspector did not raise any neighbour concerns in his reasoning for dismissing the appeal. However, for clarity, the impacts on neighbours have been reconsidered below.

7.5.2 The application site is bounded on three sides and the comments of the objectors have been noted. The impact upon those to the north (2 Highfield Gardens), the west (Hillside and 1 Highfield Lane), the host dwelling to the east (28 Penylan Close) as well as 26 and 26a Penylan close to the south have been considered in turn

7.5.3 The New Dwellings SPG (Aug-2015) sets out tests for loss of light, this relates to neighbours' habitable rooms. In most cases, a proposal that fails the 25° test in relation to a neighbour's protected window on a rear elevation would not receive planning permission. Similarly, a proposal that fails both the 45° tests in relation to a single protected window is unlikely to be acceptable. In addition, order to protect privacy, the SPG also indicates that garden spaces should generally ensure a minimum of 10m in length and 21m between habitable rooms in adjoining properties.

7.5.3 The site adjoins an adopted highway to the south, and the neighbours on the opposite side of the road are a significant distance away from the proposed dwelling. The nearest neighbours in this direction would be 26 and 26a Penylan Close around 40m away and as a consequence the proposed dwelling would not be overbearing to this neighbour or result in any unacceptable overlooking.

7.5.4 With respect to the neighbour to the rear, 2, Highfield gardens, the agent has submitted a section drawing using topographical survey picking up neighbouring ridge and eaves heights. When taking into account the level difference (neighbouring dwelling being notably higher) and distance between (24m to rear elevation and 25 to dormer window) it is considered that the dwelling would not be overbearing or result in any unacceptable impact on light to this neighbour. Although it is accepted that the property would impact upon the high level of privacy currently enjoyed at this neighbours property, the 11m garden separation and 24m difference between properties ensures that the privacy of both properties is maintained to an acceptable level.

- 7.5.5 The proposed dwelling would maintain the same building line as the existing dwelling (No. 27 Penylan) but would extend approximately 1.8m further back into the site. A gap of approximately 6.5m would be maintained between the proposed dwelling and the existing dwelling's side elevation. This separation is somewhat forced by the fact that a rising main is present along the side of the existing dwelling and Welsh Water indicated that at least 3m separation would be needed.. Consequently, it is considered that sufficient spacing would be maintained between the existing and proposed property to ensure that the dwelling would not be overbearing to the existing dwelling.
- 7.5.6 With respect to privacy, a window is present in the existing dwelling but the proposed dwelling has no first floor windows on the side elevation. The rear garden will rise from the patio but this would be in line with the slope of the existing garden and therefore there would be no unacceptable overlooking to the private garden or rear elevation of the existing dwelling. As such, there is no concern regarding privacy or overlooking to the existing dwelling.
- 7.5.7 The proposed dwelling would be approximately 16 metres from the conservatory at the back of 1, Hillside Lane and the new dwelling is also situated at a lower ground level. When taking into account the distance and level changes, the proposal would pass the 25° test for light and it would not be overbearing to this neighbour.
- 7.5.8 A window is proposed in the side elevation but it would accommodate a bathroom window that can be retained as an obscure window via condition.
- 7.5.9 The north east elevation of Hillside features two first floor windows, both of which serve the bathroom / toilet (non-habitable). In the north west elevation are a ground floor patio door serving the living room and first floor bedroom (both habitable). The proposal fails the 45° horizontal test in relation to both of these windows, but passes the vertical test in relation to both. In addition it is noted that both the living room and bedroom are served by a second door/window in the south east elevation, which would be the main source of light for these rooms. The north west elevation door opens onto a small patio area, however this is already naturally shaded from the north by the substantial boundary hedge. The main garden area to Hillside is to the southeast of the dwelling, which is not impacted by the new dwelling.
- 7.5.10 The closest window to Hillside is a bedroom to the front of the proposed property. Although there is approximately 10 metres separating it from the bedroom window of Hillside, this is at an acute angle and no direct overlooking would occur.
- 7.5.11 Neighbours have raised concerns about an increase of noise and disturbance and impact upon existing services, doctors/ schools etc. It is accepted that there would be a slight increase in general noise level and traffic, but the site is set within the settlement boundary in an established residential environment and is adequately separated from neighbours. The addition of a single dwelling would not result in a significant increase in noise or traffic flow or existing services that would be sufficient enough to refuse the scheme. The Environmental Health Officer has also raised no concern in this regard and just recommended that a condition regarding hours of work for the construction period.
- 7.5.12 Accordingly, it is considered that the proposed dwelling would have a level of impact on the adjoining neighbours outlook but having regard to its siting, scale and height coupled with the distance from neighbours, the proposal would not unacceptably impact upon the neighbour's private amenity, complying with the requirements of policies GP2 and GP6 of the Adopted LDP 2011-2026 and the Council's Adopted SPG on New Dwellings.

## 7.6 Other Matters raised by neighbours

- 7.6.1 Whilst the issue of the visual impact of the dwelling as well as impact upon neighbouring amenity has been addressed above, it is considered necessary to outline the Council's position with respect to the other comments made by representations, such as plan inaccuracies, heights of the proposed dwelling not being adhered to resulting in 'build creep', structural damage to walls and loss of view.
- 7.6.2 Firstly, the information provided is sufficient for a planning application and any inaccuracies were discussed with the agent and resolved before the determination of the application. Although it was requested that the plans are annotated to show boundaries of neighbours and heights of the dormer, this is not an essential requirement of a planning application and the scaled plans produced are sufficient to determine the application. Any concerns regarding 'build creep' would be covered by the plans condition attached to any consent, which requires the development must be built in accordance with the approved plans. Any deviation from these plans would result in an unauthorised development that would not accord with the approved details and could be subject to enforcement action if considered harmful.
- 7.6.3 Due to the difference in levels and the works that would alter the levels on site, neighbours have raised concerns regarding the potential undermining of party boundary walls to the side and rear. While these concerns are understood, it would be the applicant's responsibility to ensure that there is no damage to the neighbour's property and they should adhere to the Party Wall Act, which is a civil act between the two land owners, and not enforced by the Local Planning Authority.
- 7.6.4 Finally, loss of a private view from a dwelling or garden area is not a material planning consideration and would not be a valid reason for refusal.
- 7.7 Parking and Highway Safety
- 7.7.1 The proposed scheme differs from the previously refused application by the retention of the garage and existing driveway for the existing dwelling and a smaller hardstanding area to the front of the proposed dwelling, accommodating three parking spaces and an area for turning.
- 7.7.2 The Highways Authority were consulted and have indicated that they have no objection to the scheme based on the parking provision shown. The Highways Officer did request that pedestrian visibility splays were shown on the plan and that no obstructions/enclosures above 600mm are constructed within the 2m by 2m splays.
- 7.7.3 The applicant's agent has amended the site plan to include the pedestrian vision splay and any consent can be conditioned to ensure the parking areas and visibility splays are maintained as indicated on the proposed site plan. Accordingly, the scheme is considered to comply with the requirements of policies GP4 of the Adopted LDP 2011-2026 and the Council's Adopted Parking Standards SPG.
- 7.8 Amenity Space
- 7.8.1 In terms of the provision of amenity space, the New Dwelling Guidance requires a minimum of one square metre of amenity space per one square metre of gross floor area. The proposed dwelling has a floor area of approximately 50 square metres at first and second floor and 33 square metres in the roof. As such, the floorspace of the dwelling would calculate approximately 133 sq metres and is to be served by a garden space to the front, side and rear of the dwelling.
- 7.8.2 The Council's GIS mapping system indicates that the site area for the proposed dwelling would amount to approximately 430m sq. When taking this into account, minus the floorspace of the dwelling and the parking areas, the remaining space would amount to 295 sq metres, satisfying the Council's Standards for overall amenity space. The existing dwelling will retain sufficient space to the front and rear to serve the existing dwelling.

7.8.3 While an appropriate level of amenity space would be provided around the site it is also important to ensure the space is useable and private, especially given the steepness of the land towards the back of the site. The agent has proposed a patio area, which would be accessible from the dwelling to the rear. Despite the steepness of the land, the patio and raised garden land would be useable, while it is considered that the patio is a good useable space for future occupiers to sit out/relax etc.

7.8.4 It is therefore considered that there is a sufficient level of amenity space to serve the proposed dwelling in accordance with the GP2 and GP6 of the Adopted LDP 2011-2026 and the New Dwellings SPG.

## 7.9 Ecology

7.9.1 The Council Ecologist has been consulted on the proposals and while the proposal would result in the loss of part of the hedge and a tree, the Council Ecologist confirmed she has no objection to the proposal but has recommended that ecological enhancements are requested.

7.9.2 The agent has amended the scheme to propose bat and bird boxes on the end elevation of the dwelling as indicated in the Ecologists comments. The Council's Ecologist has not commented on the amended plans but further detail would be needed on proposed boxes and when they will be incorporated. As such, any consent should include a condition to require this detail to be submitted.

7.9.3 Accordingly, subject to a condition requiring the ecological enhancements to be provided, it is considered that the application complies with policy GP5 of the Adopted LDP 2011-2026 and Wildlife and Development SPG

## 7.10 Drainage

7.10.1 The proposals indicate that foul drainage would be diverted to the mains sewer whereas surface water from the property would be drained to a soakaway and the driveway would be constructed from permeable paving.

7.10.2 Welsh Water did not object to the connection to the mains sewer but acknowledged that the site is crossed by a public sewer which would either need to be diverted as a result of the development or the dwelling positioned at least 3m from the centreline of the drain. The applicant is aware of this and siting of the dwelling was revised to avoid the public sewer. If the drain does need to be diverted then this would require separate consent (under Section 185 of the Water Industry Act).

7.10.3 With respect to surface run off, from 7th January 2019 developments with a construction area of 100 square metres or more or more than 1 dwelling, require the prior approval of the Sustainable Drainage Approving Body (SAB) to a system of sustainable drainage to serve the project. As the footprint of the dwelling, the parking area and patio area would result in a construction area of more than 100m<sup>2</sup>, this proposal would get caught by the requirements. This is mandatory and projects cannot lawfully commence without such approval. The process of obtaining SAB approval is separate to the planning application process. The granting of planning permission does not convey approval to sustainable urban drainage systems and a separate application to the SAB will be required.

## 7.11 Waste

7.11.1 There is sufficient space within the site to store bins and recycling facilities with good access to the public highway. The proposal includes a bin storage area to the front and a condition requiring details of bin storage is considered appropriate to ensure they do not have an unacceptable impact on the character of the street scene.

## 7.12 **Section 106 Planning Obligation matters**

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

<b>Service Area that requires planning obligation</b>	<b>Purpose of planning obligation</b>	<b>Planning obligation initially sought by Planning Authority</b>	<b>Summary Heads of Terms agreed by applicant(s)</b>	<b>Viability Issues?</b>
<i>e.g. Regeneration, Investment and Housing</i>	<i>e.g. to provide on site affordable housing</i>	<i>e.g. 40% affordable housing units at xx ACG, etc in accordance with policy XX of LDP or in accordance with formulae in adopted SPG, etc</i>	<i>e.g 20% affordable housing at XX ACG</i>	<i>Yes/No? Has the developer argued viability? If so, elaborate in relevant section of separate text</i>
Housing	Commuted sum payments for affordable housing	£3,212	<i>Agreed in full</i>	No

7.12.1 The applicant has agreed to the Heads of Terms associated with the legal agreement and subject to its completion, it is considered that the proposal satisfies Policies SP1, SP13 and H4 of the NLDP and SPG: Planning Obligations.

## 8. OTHER CONSIDERATIONS

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

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

### 8.2 **Equality Act 2010**

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

8.3 Having due regard to advancing equality involves:

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

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

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

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this



application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

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

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

**9. CONCLUSION**

9.1 The proposed dwelling has an acceptable scale and design and has no detrimental impact upon the adjoining neighbours or the wider visual amenities of the street scene or ecology as well as having appropriate amenity, parking provision. Accordingly, the proposed dwelling is considered to comply with policies SP1 Sustainability, SP2 Health, SP4- Water Resources, SP13 Planning Obligations, SP18- Urban Regeneration, GP2- General Amenity, GP3- Service Infrastructure, GP4- Highways and Accessibility, GP5- Natural Environment, GP6- Quality of Design, GP7- Environmental Protection and Public Health, H4 Affordable Housing, H6 Sub-division of Curtilages, Infill and Backland Development, T4 Parking and W3 Provision for Waste Management Facilities in Development of the Adopted Newport Local Development Plan 2011-2026 as well as the Wildlife and Development, New Dwellings, Parking Standards, Trees, Woodland, Hedgerows and Development Sites Supplementary Planning Guidance, TAN12 and Planning Policy Wales (10<sup>th</sup> Edition)

**10. RECOMMENDATION**

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

01 The development shall be implemented in accordance with the following plans and documents: PL01- Site Location Plan, : PL03 Rev D Proposed Context Site Plan, : PL04 Rev D- Proposed Drainage Plan, : PL05 Rev B- Proposed Floor Plans, : PL06 Rev D- Proposed Elevations, : PL08 Rev D- Proposed Site Sections, : PL09 Rev B- Proposed long site section, 01A- Proposed parking arrangement swept path analysis and Arboricultural Impact survey including tree constraints and protection plans ref M.2959 Rev A 06.04.20 and supporting information email received 27 April 2020.

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

02 No demolition work, construction work and site deliveries shall be carried out other than between the hours 8am-6pm Monday to Friday, 8am -1pm Saturday, with no demolition/construction work or deliveries permitted on Sundays or bank holidays.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected

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

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

04 No development, other than demolition, shall commence until full details of the means of enclosure and retaining walls (including levels) to the side and rear have been submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall be

constructed in accordance with the approved details prior to the first occupation of the associated dwellings and then retained thereafter.

Reason: To ensure the development is completed in a satisfactory manner and to preserve the character of the area. In accordance with policy GP2 and GP6.

06 No development shall commence until full details of a landscaping and tree planting scheme in line with the arboriculture survey, tree impact and protection plan has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall indicate the number, species, heights on planting, positions of all trees and shrubs and how it will be maintained. The agreed scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner. In accordance with policy GP2, GP5 and GP6.

07 No development shall commence until full details of the bin storage, to include elevations and finish detail, has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as approved and then retained thereafter in that state.

Reason: To ensure adequate bin storage is provided for the site in the interest of visual and residential amenity. In accordance with policy GP2, GP6 and W3.

08 Prior to the beneficial use of the dwelling hereby approved, the bathroom window in the side elevation shall be fitted with obscure glazing and shall be retained in that manner thereafter.

Reason: To protect the privacy of adjoining occupiers. In accordance with policy GP2.

09 Prior to the first occupation of the dwelling hereby approved, the parking, turning and access shall be laid out in accordance with the approved plan PL03 Rev D Proposed Context Site Plan. The pedestrian visibility splays shown on the approved drawing shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres and the hardstanding shall be retained for parking of vehicles at all times.

Reason: To ensure that adequate off-street parking and turning provision is made in the interests of highway safety. In accordance with policy GP4.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order), Schedule 2, Part 1, the dwelling shall not be extended or altered without the prior written permission of the Local Planning Authority.

Reason: To ensure that a satisfactory form of development takes place and to protect the amenities of occupiers of adjoining properties. In accordance with policy GP2.

11 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment. In accordance with policies GP3 and GP7.

12 No development, other than demolition, shall commence until details of the foul drainage system have been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented fully in accordance with the approved scheme prior to the occupation of any dwelling.

Reason: To ensure adequate drainage is provided.

13 Prior to the beneficial use of the dwelling approved, further details of the proposed bird and bat boxes shown on the gable elevation shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include specifications of the boxes to be implemented and the future maintenance and management of the measures. The development shall be carried out in accordance with the approved Ecological Enhancement scheme and maintained in this manner thereafter.

Reason: to ensure the development provides ecological net benefit on the site as required in Planning Policy Wales Edition 10th

#### NOTE TO APPLICANT

01 This consent is subject to a legal agreement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP13, GP1, GP2, GP3, GP4, GP5, GP6, GP7, H2, H4, H6 and T4 and W3 were relevant to the determination of this application. The following Supplementary Planning Guidance documents were also relevant: Planning Obligations, Wildlife and Development, New Dwellings, Parking Standards and Trees, Woodland, Hedgerows and Development Sites.

03 The applicant may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer networks is either via a lateral drain (i.e. a drain which extends beyond the connection 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"- 8th Addition. Further information can be obtained via the Developer Service pages of [www.dwrcymru.com](http://www.dwrcymru.com).

04 The applicant is advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Waters 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 Dwr Cymru Welsh Water 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.

05 The applicant/developer is advised to contact Wales & West Utilities since there are pipes in the area and such apparatus may be affected and at risk during construction works.

06 The applicant should contact the Highway Networks Section on 01633 656656 to arrange for the provision of a dropped kerb.

07 REPTILES: Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow worm. You are advised to remove any log piles, rubble, stone etc. currently on site by hand and clear vegetation by hand. If reptiles are found at any time during clearance or construction, all works should cease until the reptiles have safely dispersed from the working area.

08 NESTING BIRDS: Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended). The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.

09 BATS: Please note that Bats are protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This

protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately (0300 065 3000).

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

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**APPLICATION DETAILS**

**No:** 20/0036      **Ward:** CAERLEON

**Type:** FULL (MAJOR)

**Expiry Date:** 08-MAY-2020

**Applicant:** MR HAZELL

**Site:** THE KINGS ARMS, BELMONT HILL, CAERLEON, NEWPORT, NP18 1JX

**Proposal:** DEVELOPMENT OF A 44 NO. BEDROOM HOTEL, PARKING, ACCESS AND ASSOCIATED WORKS

**Recommendation:** REFUSED

**1. INTRODUCTION**

- 1.1 The applicant is seeking full planning permission to build a 44 bedroom hotel in the car park / adjacent banking of the Los Reyes Restaurant on Belmont Hill (formerly the Kings Arms) between Christchurch and Bulmore.
- 1.2 The proposed building would vary between 2 and 3 storeys with some undercroft parking. The ground floor would provide a reception area, plant room, gym & changing rooms and a bin store. Upper floors would provide a small café area & seating (likely self-serving), staff areas and an office as well as 44 guest rooms with ensuite facilities. Rooms will be double rooms or slightly larger family rooms (8 in total).
- 1.3 The building would be approximately 57m wide, 17m deep and 10m high. It would be of modernist appearance with a mono-pitch roof. Various forms of cladding would break up the elevations including aluminium louvres, timber effect cladding, timber 'fins' and colour coated aluminium door and window frames. Less obtrusive areas would be poured concrete (side and rear elevations).
- 1.4 The existing access would be closed up and a new access provided in the position approved under application 16/0070. That is approximately 17.5m further to the east; up the hill and away from the sharp bend.

**2. RELEVANT SITE HISTORY**

Ref. No.	Description	Decision & Date
94/0609	PROPOSED CHANGE OF USE OF BEER GARDEN TO PROVIDE GRAVEL BOULES PITCH AND CREATION OF CHILDRENS PLAY AREA	R 16 September 1994
01/0746	PROVISION OF GOLF CART TRACK AND HARDCORE AREAS; RETENTION OF EXISTING HARDCORE AREAS AND WIDENED ACCESS/ENTRANCE OFF CATSASH ROAD, AFFECTING PUBLIC FOOTPATHS 389/38 AND 389/44 CAERLEON	GC 12 September 2001
04/0530	REPLACEMENT OF EXISTING SEWAGE TREATMENT PLANT	G 28 May 2004
04/1212	REPLACEMENT OF EXISTING SEWAGE TREATMENT PLANT (AMENDED SCHEME)	G 24 September 2004
16/0070	RELOCATION OF VEHICULAR ACCESS	GC

		<b>17 March 2016</b>
<b>E18/0001</b>	<b>UNAUTHORISED ENGINEERING WORKS &amp; REMOVAL OF PROTECTED TREES</b>	<b>Action halted pending application submission</b>

### 3. POLICY CONTEXT

#### 3.1 National Planning Policy – Planning Policy Wales (Edition 10)

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.

Paragraph 4.3.21: The sequential approach applies to retail and all other uses complementary to retail and commercial centres. Other complementary uses include, for example, financial and professional services (A2), food and drink (A3), offices (B1), hotels (C1), educational and other non-residential establishments (D1), leisure (D2) and certain other uses such as launderettes and theatres. However, some education, healthcare and community uses may have specific accessibility requirements which mean they need to be located close to the communities they serve.

Paragraph 5.4.1: For planning purposes the Welsh Government defines economic development as the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes. The planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses.

Paragraph 5.4.2: Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services.

Paragraph 3.56: Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

Paragraph 5.5.1: Tourism involves a wide range of activities, facilities and types of development and is vital to economic prosperity and job creation in many parts of Wales. Tourism can be a catalyst for regeneration, improvement of the built environment and environmental protection.

Paragraph 5.5.4: Much of the existing provision of facilities and accommodation for tourism occurs in urban locations, including historic and coastal towns and cities. There will be scope to develop well-designed tourist facilities in urban areas, particularly if they help bring about regeneration of former industrial areas.

#### 3.2 Technical Advice Notes

- TAN 12: Design
- TAN 13: Tourism
- TAN 23: Economic Development

#### 3.3 TAN 13 Tourism

Hotel development can bring benefits for the local community and support amenities and activities for residents and tourists. **Page 30** Development should be compatible with neighbour

uses. ...Large-scale buildings in a small-scale setting, buildings which break prominently into the skyline and those which by their design, materials, illumination or building line are out of sympathy with neighbouring historic buildings will normally be unacceptable.

### 3.4 TAN 23 Economic Development

Paragraph 1.2.5: Local planning authorities should recognise market signals and have regard to the need to guide economic development to the most appropriate locations, rather than prevent or discourage such development.

Paragraph 1.2.6: In line with these principles, there will be instances where the planning system may not provide the land the market demands, and in the places where the market demands it. Some proposed developments or sites may be resisted by planning authorities – for example because they would have unacceptable environmental impacts, divert demand from town centres or would go against agreed spatial strategies. In these circumstances, so far as possible, planning authorities (and planning applicants) are encouraged to look for alternative sites which offer the same, or very similar, advantages.

1.2.7 PPW establishes the principle of a sequential test in relation to town centre related uses which have direct relevance to economic land uses. Accordingly when identifying land for economic uses in development plans, or when determining applications, local planning authorities should seek to replicate this approach. Local planning authorities should apply judgement depending on the nature of the economic use and its applicability to a particular location. They should give first preference to sites within the boundaries of settlements (including planned new settlements and urban extensions). As a second preference, they should consider edge-of-settlement sites. As a third preference, they should consider identifying land in the open countryside. Land may be identified in less preferable locations if the resulting benefits outweigh any adverse impacts of the development.

### 3.6 **Local Planning Policy**

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

The following policies are relevant to the consideration of this proposal:

- SP1 Sustainability
- SP5 Countryside
- SP9 Conservation of the Natural, Historic & Built Environment
- GP1 Climate Change
- GP2 General Amenity
- GP3 Service Infrastructure
- GP4 Highways and Accessibility
- GP5 Natural Environment
- GP6 Quality of Design
- GP7 Environmental Protection
- T4 Parking
- CF8 Tourism
- CF9 Celtic Manor
- W3 Provision for Waste Management Facilities in Development

### 3.7 **Adopted SPG**

- Wildlife and Development
- Parking Standards
- Trees, Woodland, Hedgerows and Development Sites
- Waste Storage and Collection
- Air Quality

### 3.8 **LDP Designations and Site Characteristics**

The following LDP allocations or policy definitions apply to the site:

- *Outside Settlement Boundary on land designated as countryside*
- *Parking Zone 6*

- *CF9 Celtic Manor*
- *TPO to the woodland at the rear /east of the site 21/66*
- *Archaeologically Sensitive Area*

#### **Adjacent to the site**

- *Accessible Natural Greenspace to the east of the site*
- *460m south of an AQMA*

## **4. CONSULTATIONS**

### **4.1 DWR CYMRU / WELSH WATER (DCWW):**

#### **Sewerage**

- 4.1.1 It appears the application does not propose to connect to the public sewer, and therefore Dwr Cymru Welsh Water has no further comments. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application.

#### **Surface Water Drainage**

- 4.1.2 As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. As highlighted in these standards, the developer is required to explore and fully exhaust all surface water drainage options in accordance with a hierarchy which states that discharge to a combined sewer shall only be made as a last resort. Disposal should be made through the hierarchical approach, preferring infiltration and, where infiltration is not possible, disposal to watercourses in liaison with the Land Drainage Authority and/or Natural Resources Wales. It is therefore recommended that the developer engage in consultation with the Local Authority, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, DCWW is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

- 4.2 WESTERN POWER: Advise of equipment in the area and safe working practices.

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

## **5. INTERNAL COUNCIL ADVICE**

### **5.1 HEAD OF REGENERATION, INVESTMENT & HOUSING (PLANNING POLICY):**

- 5.1.1 The site is located beyond the settlement boundary on land designated as countryside. Policy SP5 – Countryside, will only permit development where the use is appropriate in the countryside, respects the surrounding area and is appropriate in scale and design. Policy CF8 – Tourism notes that new tourism related development, including accommodation, in the countryside will be permitted as long as the proposal does not detract from the characteristics of the area concerned. In this respect, whilst the principle of tourism accommodation in the countryside may be acceptable, the site-specific location, characteristics and qualities will influence the overall acceptability of the proposal.

- 5.1.2 In this instance the site is located adjacent to the car park of the Kings Arms pub/restaurant, which is located a short distance from the settlement boundary of Caerleon. The site is on the outer limits of Caerleon, but is only a short distance from Caerleon's core and the tourist attractions associated with it and the surrounding area. It is also within close proximity of Celtic Manor and the newly constructed convention centre, which is considered to result in an increase in demand for hotel rooms to accommodate the increase in visitors that this Centre is expected to attract during key events.



- 5.1.3 The site also falls within LDP designation CF9 – Celtic Manor, which identifies a leisure area around the Celtic Manor Resort. Further leisure related development within this designation will be approved subject to consistency with an overall masterplan. However, a masterplan has not been prepared to date so this cannot be a consideration in the determination of this application. The other 3 criteria relate to impact on rural character (ii), built development being essential to the functioning of the proposed use (iii) and the development not being visually intrusive (iv). These points are addressed throughout this response.

### **Access Arrangements and Pedestrian Walkways**

- 5.1.4 Improved access arrangements were approved under planning application 16/0070, which moves the access away from the bend and improves visibility. These improvements have yet to be implemented, however. The acceptability of intensifying use of the existing and/or approved access arrangements should be clarified with Highways to satisfy Policy GP4 – Highways and Accessibility. The proposal also raises concerns with regards to pedestrian access, as there are no pavements from the site down to the junction of Belmont Hill and New Road. The acceptability of this arrangement on pedestrian safety should be discussed with Highways.

### **Impact on the Natural Environment**

- 5.1.5 The hotel is positioned on wooded land that is protected by a woodland TPO. The site rises up from the pub, with 3 storeys proposed, including the undercroft parking. The acceptability of the loss of this protected woodland and the visual impact on the surrounding landscape and environment of the introduction of a 3 storey building in a slightly elevated position should be clarified with the Council's Tree Officer and Landscape Officer. Policy GP6 – Quality of Design also raises issues of scale, design and responding to the site's unique characteristics. The loss of this woodland is also likely to mean the loss of habitats for certain species and the views of the Council's Ecologist should be sought.

### **Air Quality**

- 5.1.6 The site is outside of the Caerleon Air Quality Management Area (AQMA) and the Air Quality Planning Buffer Area for the AQMA. Although the site is not directly within the AQMA the site traffic might need to pass through the AQMA and therefore an assessment as to its impact on air quality may be required. Newport has adopted SPG on Development and Air Quality and the Council's Scientific Officer will provide comments relating to this matter.

### **Conclusion**

- 5.1.7 The acceptability of tourism related development in this countryside location is dependent on the proposals impact on the surrounding environment and highway and pedestrian safety. The views of the relevant officers should be sought to address the concerns raised.

## **5.2 HEAD OF STREETSCENE & CITY SERVICES (HIGHWAYS)**

- 5.2.1 In accordance with TAN 18 an application for a hotel, where the gross floor area exceeds 1000m<sup>2</sup>, should be accompanied by a Transport assessment the scoping of which should be agreed with the highways authority. The applicant has only submitted a transport statement for consideration.

- 5.2.2 Notwithstanding the above, in regard to the transport statement submitted I would comment as follows:

- It's acknowledged that planning permission for the relocated access was granted under application 16/0070 however this application only included the access with no additional use on the site. The current application involves a significant intensification of use of the site and therefore it's considered that the access to the site must demonstrate that visibility is available in accordance with current standards. The applicant must therefore submit a plan which demonstrates that visibility is available in accordance with Manual for Streets. Due to the gradient of the road the visibility must be calculated in accordance with the formula shown in Manual for Streets 2 which takes into consideration the gradient when determining the

stopping site distance. Visibility splays must be shown on plan in their entirety and it must be demonstrated that they are achievable in the horizontal and vertical plane.

- I note that accident data has been submitted from Crashmap however full accident data should be submitted.
- The applicant has identified that the site is not served by a footway and therefore they propose to operate a shuttle bus service between the site and public transport nodes. The sustainable transport hierarchy within PPW10 and manual for streets clearly states that pedestrians and cyclist must be given the highest priority. When taking this into consideration the site is not considered sustainable due to the reliance on the private motor vehicle for travel. The use of Belmont Hill by pedestrians raises significant safety concerns and the steep gradient and lack of forward visibility may deter cyclists. Given the reliance on the private motor vehicle for travel, and the lack of safe pedestrian access to the site I must object to the proposals and recommend refusal.
- The applicant has demonstrated that there will be an under provision in parking in accordance with the parking standards. It's not accepted that a reduction would be suitable due to the hotel and restaurant running in tandem as I would suggest that both uses could run independently.
- The swept path analysis submitted only shows a refuse vehicle accessing and egressing the site. Information is also required in regard to delivery vehicles for both the existing and proposed uses.
- A longitudinal section of the access is required so that any gradients can be considered. It must be noted that the first 5m must not exceed a gradient of 1 in 20m
- Due to the positioning of spaces 36 – 39 it must be demonstrated that the adjacent spaces are fully accessible/useable

### 5.3 HEAD OF STREETSCENE & CITY SERVICES (ECOLOGY)

#### 5.3.1 **The proposed scheme does not meet the requirements to fulfil our duties under the Environment (Wales) Act 2016 or comply with Planning Policy Wales and LDP policy GP5.**

5.3.2 At present the development site does not support habitats of ecological value, however some woodland clearance and earth moving had taken place before the application was submitted and this should be taken in to consideration when considering the ecological impact of the development. Planning Policy Wales requires that *“development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity”*. Woodland is a priority habitat, and as such the loss must be compensated for; the NCC Wildlife and Development SPG sets compensation replacement ratio at 1:1.5 or 50% above the area lost.

5.3.3 Furthermore, the site is bounded by a mature woodland which is likely to provide habitat for protected species including dormouse (local records) and bats (potential in trees and neighbouring buildings identified in ecology report). It is not clear from the submitted information which trees are scheduled for retention/removal or which have already been removed. An appropriate buffer between the retained woodland and development is required to maintain ecosystem resilience and protect the ecosystem services provided by the woodland. The Trees, Woodland, Hedgerows and Development Sites SPG (NCC, 2017) requires a minimum distance of 5 m between any part of the canopy and any part of the curtilage.

5.3.4 There are also no details of any ecological enhancements as part of the development. Planning Policy Wales states that all developments *“must provide a net benefit for biodiversity”*. This policy is as a response to the Section 6 “Biodiversity Duty” of the Environment (Wales) Act 2016. As per Welsh Government correspondence clarifying the requirements of PPW (Dear CPO letter: Securing Biodiversity Enhancements, dated 23/10/19), significant weight must be given to the absence of biodiversity enhancements and developments which do not consider biodiversity and ecosystem resilience should be refused.

5.3.5 Further information is required:

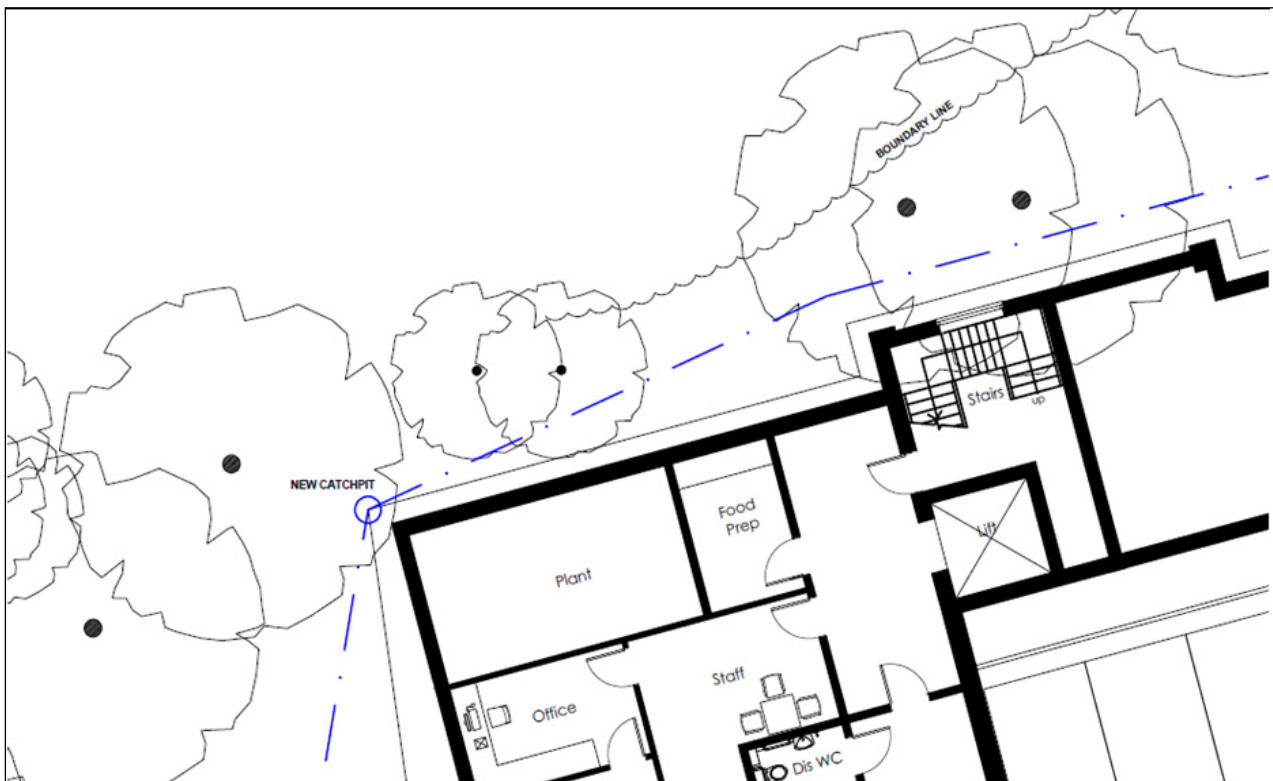
- Tree plan showing trees scheduled for removal/retention

- 5.3.6 In order to make the scheme compliant with national and local planning policy, a revised scheme is required that provides:
- Replacement tree planting to compensate for the loss of trees on site;
  - A minimum buffer of 5m between retained woodland and any part of the curtilage
  - Enhancements for ecology

5.4 HEAD OF STREETSCENE & CITY SERVICES (LANDSCAPING)

5.4.1 Insufficient information has been submitted to determine the landscape implications.

5.4.2 There is no Arboricultural Impact Assessment (AIA) so it is not clear which trees will require removal to accommodate the proposals. Attention is particularly drawn to T11,12,13,14,15,37,38. The Ecological Survey states that 'clearance work has already been undertaken to facilitate development', however it is clear that some trees are unlikely to be successfully retained. An AIA should include proposed drainage runs which are currently shown through Root Protection Areas – refer extract below.



Proposed Drainage Plan 02 – rev –

5.4.3 No landscape scheme has been submitted. The proposal does not meet the requirement for ecological enhancements in line with the Environment (Wales) Act 2016 or the requirements of GP5 General Development Principles – Natural Environment vi: 'the proposal includes an appropriate landscape scheme.....'.

5.4.4 No levels are submitted on any of the existing or proposed plans. It is not clear how the steep slope will be retained at the rear of the building, how the slope will be drained, or how maintenance access around the building will be provided.

5.4.5 The planning application boundary is not shown on the proposal plans and it is not clear how boundaries will be treated including tying in levels.

5.4.6 The site lies in countryside so policy 'SP5 Countryside' will apply. Proposals should respect the landscape character and biodiversity of the immediate and surrounding rural area i.e. be rural rather than suburban in character. The architecture is more urban than rural in character especially given the landscape context of historic Caerleon. The under-croft parking is a particularly urban feature. There are no landscape proposals to comment on, but a strong

landscape concept is required that will provide immediate screening and blend in the proposal as far as possible to the native woodland backdrop.

5.4.7 I note the proximity of footpaths and Conservation Area shown below. The site is relatively well contained visually but possibly only up to two floors. It is difficult to assess the impact on views beyond the adjacent road and no assessment has been submitted.



5.4.8 A sustainable drainage scheme will be required. Amenity and biodiversity benefits should be included in the planning application layout in line with the Sustainable Drainage Regulations 2018 Standards 4 [Amenity] and 5 [Biodiversity].

5.4.9 Planting, boundary and surface treatment should be appropriate to the landscape character and planting should provide ecological enhancement. The existing car park is very open to the road and out of character with the countryside landscape setting. Any proposals should seek to reduce the impact from existing car parking through frontage planting with the visibility splay constraints clearly shown.

5.4.10 Professional landscape architect input will be required to inform the external layout and ensure sufficient space and suitable locations for planting and any SUDs are provided. The following information is required:

- levels information for existing and proposed
- clear application and ownership boundaries on layout plans
- Arboricultural Impact Assessment and Tree Protection Plan
- Professional landscape architect input to provide plans covering hard and soft landscape elements appropriate to the countryside landscape character
- Maintenance and management plan for five years to cover new planting until established and to include management of retained trees.

## 5.5 HEAD OF STREETSCENE & CITY SERVICES (TREES)

5.5.1 I object to this application. The trees which are proposed for removal should be clearly shown on a plan. Sections through the areas near the trees and the level changes need to be clearly shown. Evidence needs to be submitted that the above ground tree constraints have been fully considered in accordance with BS 5837:2012.

5.6 PUBLIC PROTECTION MANAGER (SCIENTIFIC OFFICER)

- 5.6.1 **Air Quality / Sustainable Travel:** With respect to the Newport Air Quality SPG, the development lies outside of the Caerleon Air Quality Planning Buffer. Road traffic to / from the development have alternative routes rather than passing through the Caerleon High Street / Castle Street where the AQMA is located. It is unlikely that the development can be proven to have a significant impact upon the AQMA. Therefore a detailed air quality assessment is not required.
- 5.6.2 It is likely that future site users will wish to visit Caerleon, for which I would encourage the development supports sustainable travel methods such as electric vehicle charging points and cycle ways in line with Newport City Council's recently developed sustainable travel SPG.
- 5.7 PUBLIC PROTECTION MANAGER (NOISE): No objection subject to the application of conditions relating to:
- Noise Assessment and Mitigation Plan
  - Construction and Environmental Management Plan
  - Waste Management Plan
  - Fume Extraction details

## 6. REPRESENTATIONS

### 6.1 NEIGHBOURS:

All properties within 50m of the application site were consulted (13 properties), a site notice was displayed and a press notice published in South Wales Argus. Twelve representations were received all in objection one of which consisted of 19 proforma letters. Points raised were:

- The proposed access is dangerous,
- The site is not accessible to pedestrians and cyclists,
- Belmont Hill is steep, lacks footways and has poor forward visibility, it is unsafe for pedestrians and cyclists,
- New Road suffers from congestion,
- Caerleon is an Air Quality Management Area,
- Archaeological issues,
- Tree clearance works were unauthorised,
- Inappropriate location for a hotel,
- Proposed parking levels are inadequate,
- The site is entirely car dependent,
- Large vehicles will struggle to turn within the site,
- Accident data cited is not up to date,
- The Ecological Appraisal was undertaken after woodland was removed illegally and cannot be relied on,
- The development will cause additional noise,
- There is no evidence that the sewage treatment plant can deal with extra flows,
- Congestion will cause additional air pollution,
- Surface water from the site will run into the highway,
- The site is unsustainable,
- A Travel Plan will not be effective.

### 6.2 COUNCILLORS HUGHES & GILES

We object to the proposed planning application of a 44 Bedroom Hotel in relation to several points.

1. We do not believe the proposed development site would actually exist had development work not been undertaken that had not sought planning authorisation in the first place. Rather than the proposed development, we would be asking for the land to be returned to its former state and that trees are replanted to compensate for the loss.

2. We have concerns that this work was done without the necessary planning applications and without due consideration to environmental, civil engineering (land slippage) archaeological, drainage and wildlife considerations at the site.
3. Whilst we regret the relocation of the access has not already been utilised which would improve road safety in relation to the present restaurant, we believe the addition of a hotel on the site would lead to an increase in risk at any proposed junction leading from the site. Congestion on the hill is significant problem in peak times with traffic stretching from the Ship Inn junction up the hill past the proposed site most week night days. Increasing the flow of traffic into this congested area would increase the risks substantially and add to the road hazard and challenges this stretch of road already experiences. Traffic turning right from the hotel would be of particular risk.

The B4236 (Belmont Hill) is the most direct route between Caerleon and the eastern part of the city. We anticipate traffic to increase in this area with the addition of the ICC, which is quite rightly promoting Caerleon as a visitor destination area to its conference attendees. We also expect a notable rise in traffic because of the opening of the new Llanfrechfa Grange Hospital.

Caerleon is also a popular development area and if potential developments achieve planning consent we foresee the cumulative impact on traffic in the area worsening on this route. As local Councillors, we feel the addition of a hotel on a road we already have concerns about would only add to the issues identified.

4. We would have concerns in relation to how the hotel would contribute to the already identified air pollution and traffic problems within Caerleon. While the site does not directly fall within the AQM area of Caerleon we believe the application would add to the problems identified along Belmont Hill and New Road and in turn into the AQM zone. A major flaw in the application is that there are no traffic surveys to quantify flows. This is an important omission and we would argue places greater emphasis on the concerns of residents and drivers who use the road daily who are saying traffic is at a standstill at peak times. Peak times in Caerleon include the morning commute (7:30am-9; 30am) and school runs and periods from 2:30pm right through to 6:30pm where the school run merges with the evening commute. Because there are no other options, the morning would see 50+ cars arriving and departing during the extended peak times in Caerleon. This would cause considerable issues on Belmont Hill.
5. Significant archaeological finds have been made within a close proximity to the site and whilst the area may not be designated as a heritage site areas nearby are known to have significant areas of historical, wildlife and environmental interest. A Roman Coffin was found within metres of the site. Historical sites grow with time and with the identification of a major Roman Port less than a mile away, it would be a fair conclusion that much of Caerleon's history remains unfound in the surrounding area.
6. We do not believe 49 car parking spaces are sufficient for a 44-bedroom hotel and a restaurant, which is already busy at weekends.
7. We do not believe the development will minimise the demand for travel by private car. The developers recognise themselves that the site provides poor accessibility for pedestrians and cyclists. While guests are more likely to travel by car to the hotel, many guests would want to visit Caerleon at some point. The absence of footways along the B4236 Belmont Hill together with its steep gradient would place those guests attempting to walk at significant risk. Many using the restaurant will attempt to walk the route and those that have will often have been drinking and will be even more at risk. Residents of the hotel will be less familiar with the roads and will be at more risk of an accident. . A minibus leaving the site to link with the public transport system will also be prone to being stuck in traffic and this will encourage even more residents to walk. Realistically knowing the minibus may take half an hour to travel 900m will encourage people to walk. We do not therefore believe the mini bus option is a practical or sustainable solution to what the developers themselves have acknowledged as a problem.
8. We do not believe the proposal improves the natural environment nor historical environment

9. The site does not and is unlikely to meet the WG's objectives of sustainable transport. The site cannot safely be accessed via walking or cycling routes and is not easily accessed by public transport. Plans to address this are both inadequate and unrealistic.
10. We do not believe the proposed development is in accordance with the Wellbeing of Future Generations (Wales) Act especially in relation to sustainability and environmental aspects.
11. We do not believe the site meets the objectives of good design. Additionally the intention to not use mains waste facilities and use existing private facilities already used by the surrounding homes is also inadequate and may eventually result in the hotel having to link to public utility provision. This will result in considerable additional civil engineering work in the area that may cause additional traffic issues.
12. We do not believe the promotion of sustainable forms of transport (such as a shuttle bus) are realistic or sustainable.
13. We believe the development does raise issues in relation to noise, disturbance and privacy to nearby neighbours. There are homes within metres of the proposed site and pedestrians would have to cross from directly opposite those homes to reach the pathway and avoid the sharp bend. The pathway then runs out forcing pedestrians on to the road. An increase in traffic noise would also be experienced by these residents including clear up (bottles) and delivery lorries.
14. While the site itself may not be of ecological value, its boundaries include extensive rural habitats. Only recently, requests have been made for the entire hill and surrounding green areas to be added into the Caerleon Conservation area that borders the bottom of Belmont Hill to prevent development encroaching in and around the boundaries of Caerleon. Councillors have raised objections about the legality of clearing the site prior to applying for this application. It is unlikely that a cleared site will have an abundance of wildlife.

Whilst we welcome economic development, the proposed application is we believe wholly inappropriate for a development of this size. Given our significant concerns particularly in relation to traffic, congestion and air pollution, we request that this application is refused.

### 6.3 CAERLEON CIVIC SOCIETY:

- Part of the proposed site is Protected woodland that was cleared without the necessary consents being in place.
- There have been many accidents in the vicinity of Los Reyes (ex King's Arms) over recent years.
- Moving the exit further up the car park will merely relocate the dangers of exiting vehicles to a steeper part of the hill making potential collisions with downhill vehicles more likely, more damaging and therefore more life-threatening.
- Stopping distances of downhill vehicles at this point will be much greater as vehicles will be braking towards the blind bend.
- The danger of skidding is, of course, extremely high here during inclement weather. A braking school coach left the road in 2013(?) due to black ice. Fortunately, on this occasion, there were no school children on board.
- These dangers are further exacerbated by the many drivers who exceed the speed limit here, despite the warning road signs.
- Los Reyes (King's Arms hotel) Belmont Hill is in a Roman cemetery area.
- A high status burial was discovered recently in the front garden of Sirona, one of the houses on the application Neighbour List.
- A Roman Inscribed Dedication Stone was found in the garden of Spring Grove, Belmont Hill in 1915 and was analysed by Sir Mortimer Wheeler whilst the Roman Amphitheatre was being excavated. It is currently in the Roman Museum at Caerleon. Spring Grove is next door to Hill House which is on the application Neighbour List.
- A Gilded Alabaster Statue and a stone coffin were found in a quarry between Bulmore and Christchurch <http://caerleon.net/history/photo/325/index.html>
- There is an ancient hollow way that delves right down from the top of Belmont Hill to the Kings Arms/Los Reyes.

## 7. ASSESSMENT

### 7.1 The Site

7.1.1 The site is outside the urban boundary but within the leisure area around the Celtic Manor Resort for planning policy purposes. The site is not within an area of mineral safeguarding. The site slopes upward gently to the east and steeply to the north on a wooded embankment. The embankment was cleared of trees and regraded in 2018. Part of the site comprises the car park of the Los Reyes Tapas Bar (former Kings Arms Public House). Part of the embankment (and the northern end of the car park) are covered by Tree Protection Order 21/66 (broadleaved woodland).

7.1.2 The current car park access is on a sharp bend on the B4236 Belmont Hill. Visibility is limited in both directions and is very limited to the west (downhill). Entering and especially leaving the current car park is difficult due to the very limited visibility, relatively quick moving traffic and the volume of vehicles that typically use the road as a 'rat-run' to the M4 Coldra junction or to travel to the eastern parts of Newport from Caerleon and beyond. The current access is significantly inadequate.

### 7.2 The Proposal

7.2.1 The proposal is as described in Paragraph 1.0 of this report.

### 7.3 The Key Issues

7.3.1 The key issues relevant to this determination are:

- The principle of development (tourism policy and sustainability) & Economic Benefit
- Vehicular Access to the site and parking provision
- Design
- Trees
- Foul Drainage
- Sustainable Transport Hierarchy

7.3.2 Minor Issues are:

- Archaeology
- Air quality
- Highway capacity

### 7.4 Development Principle & Economic Benefit

7.4.1 Policy CF8 support tourist development including hotels. It reads as follows:

**NEW AND IMPROVED TOURISM RELATED DEVELOPMENTS, INCLUDING HOTEL AND OTHER VISITOR ACCOMMODATION, CONFERENCE AND EXHIBITION FACILITIES, HERITAGE INTERPRETATION FACILITIES, RURAL TOURISM AND ACTIVITY TOURISM IN THE COUNTRYSIDE WILL BE PERMITTED, PARTICULARLY WHERE REGENERATION OBJECTIVES WILL BE COMPLEMENTED.**

However the supporting text notes the importance of ensuring that other planning interests are appropriately addressed including sustainability, amenity and wider rural interests. The policy is not an open door policy and it remains vital that competing interests are appropriately balanced in any consideration.

7.4.2 The proposed site is also within the area identified as part of the Celtic Manor Resort (CMR) for planning purposes. However that policy requires development proposals are in accordance with an overall masterplan which is not in place and other qualifying clauses that would seek to protect rural character, visual amenity and any built development being shown to be essential to the resort's development. Again this is not an open door policy.

7.4.3 National Policy (PPW10) gives qualified support stating at Paragraph 5.5.3:



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

7.4.4 Technical Advice Note 23 (Economic Development) is generally supportive of economic development in rural areas stating at Paragraph 3.1.2 that:

*In rural areas local planning authorities should use a sequential approach when identifying land for economic uses in development plans, and this approach is considered in more detail earlier in this TAN (sec 1.2.7). Less preferable locations may also be appropriate where the resulting benefits outweigh any adverse impacts of the development. In judging these benefits, authorities should have regard to the considerations set out previously in this TAN (sec 2.1.5) i.e. jobs accommodated, alternatives, and special merit.*

7.4.5 The site lies outside of the urban boundary and is in a rural location for planning purposes. A hotel development is not precluded by a rural location and in this case the site is within 200m of the urban boundary at Bulmore. In a southerly direction the urban boundary is at the M4 motorway. Christchurch and the CMR lie in the countryside, as does this site.

7.4.6 There is a general acceptance that rural locations are less sustainable than urban ones and hotels as complimentary uses are directed to retail and commercial centres within the urban area under national policy (Paragraph 4.3.21 of PPW10). However rural tourism is also supported which means there is an acceptance that less sustainable locations can be acceptable subject to careful assessment and the balancing out of competing policy aims. As a location near to the urban boundary and to the CMR this location would be more acceptable than those that were more deeply rural and therefore inherently less sustainable. In principle a hotel development in this location is acceptable but that would be subject to satisfactorily meeting other planning requirements.

7.4.7 In terms of the economic benefits of the scheme the applicant has not made out what the likely employment levels would be nor what wider economic benefits might be expected in terms of increased spend in the local economy by guests or increased consumption of services such as laundry by the hotel. No restaurant is to be provided nor is it clear if there will be reception staff with self-check-in being possible. It appears much of the intention is to piggy back off the existing pub facilities. As such job creation and the general multiplier effect are likely to be distinctly limited. In any event the economic benefits of the scheme are not well made out although clearly there will be some.

7.4.8 The other TAN23 tests are alternatives and special merit. In this case if the development does not proceed will the economic benefits simply be lost since no alternative locations exist. As already noted hotels are uses best located within identified commercial centres (city centre, district centre, local centre). If no suitable locations can be identified then there is a cascade to out of centre locations meaning in this case other commercial sites that are not 'identified' in the plan but are within the urban boundary or are allocated for commercial use in the plan. This could include commercial areas such as retail parks (Spytty, 28 East Retail Park) or business parks (Celtic Horizons / the Coldra) or allocations such as the station yard on Godfrey Road. There is no reason to think that a large urban centre such as Newport would lack alternative sites for hotel developments especially given this site lacks any unusual advantages that would not accrue elsewhere. That said the TAN also advises that schemes on non allocated sites should not be refused out of hand with there being a consideration of their merits and demerits before a decision is made.

7.4.9 In terms of special merit national advice tells us that the development should make a special contribution to policy objectives. The examples given relate to new innovative industries, addressing deprivation or agglomeration<sup>1</sup> benefits. Clearly the key benefit of this site is a close location to the CMR but it is not unique in that with other sites potentially offering the same proximity and those being more preferable in policy terms. Overall the proposal has no

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<sup>1</sup> a localized **economy** in which a large number of companies, services, and industries exist in close proximity to one another and benefit from the cost reductions and gains in efficiency that result from this proximity

special merit that would justify a grant of permission. As such national policy requires the normal balanced decision to be made where the relevant considerations are weighed against one another. Officers do not consider that that balance would be tilted by any special merit on this occasion.

- 7.4.10 Overall national and local policy would allow the development to proceed if the benefits of the scheme could be shown to outweigh the harms. It is not considered to be a scheme of special merit or one where alternative sites are lacking or one where the job creation or wider economic benefits are sufficiently well made out to clearly outweigh any other objections that may arise.

## 7.5 Vehicular Access to the Site & Parking Provision

- 7.5.1 The proposed access to the site is via the improved access granted under permission 16/0070. This access point was a clear improvement over the existing access and accordingly it was approved. However that access was to serve the existing public house whereas under the current submission the access would serve both the pub and the hotel. There would be a clear intensification of use and the Head of Streetscene has noted that the new access must meet the standards set out in Manual for Streets 2 in terms of visibility. MfS2 sets out a less rigid approach to issues such as stopping site distances (junction visibility) than previous guidance. The statutory speed limit at the site entrance is 30mph and such speed limits generally support an MfS2 approach where the 85<sup>th</sup> percentile speed should be 37mph or less. Although it is not clear that such speeds are achieved here. The applicant has not engaged with this point and so it is by no means certain that most vehicles are within or below the speed limit. However assuming vehicles are moving at the 30mph limit visibility of around 60m would be required and potentially more dependent on vehicle type and the gradient. This is not achievable to the west (downhill) and so on balance visibility from the proposed junction is inadequate and the proposal is detrimental to highway safety. Policy GP4 of the adopted Newport Local Development Plan 2011-2026 is not complied with since suitable and safe access arrangements cannot be provided.

- 7.5.2 The scheme provides 49no. parking spaces and identifies a need for 57 spaces which it describes as a slight under provision. However at 14% the under provision is not seen as slight by officers. The applicant suggests that the spaces can double up in that residents may use the restaurant. However the Head of Streetscene notes that both uses are capable of operating entirely independently and the tapas bar will not serve as the hotel restaurant. Officers agree, it cannot be safely assumed the uses will have any real overlap and there is no case to allow a reduction in the overall parking demand on this occasion. The parking provision is significantly deficient. Logically the next question is to consider the consequences of this. There is no parking control anywhere on Belmont Hill but any displacement of parking into the highway would be highly undesirable in this location due to poor forward visibility, the steepness of the hill and the traffic volumes that rat run the hill. Additional foot traffic on the hill from parked vehicles on the road to the hotel or bar would be unwelcome for the same reasons. The proposal is contrary to Policies GP4iv and T4 since adequate parking levels are not provided in accordance with adopted local standards to the potential detriment of highway safety.

## 7.6 Design

- 7.6.1 Policy CF8 (Tourism) is a permissive policy but it requires that '*development complements and does not detract from the characteristics of the area concerned*'. In terms of Policy SP5 (Countryside) development must respect *the landscape character and biodiversity of the immediate and surrounding area and is appropriate in scale and design*. Policy GP6 seeks good design in all forms of development.
- 7.6.2 The proposal is for a large squat building which will be seen against the background of a partially wooded bank across an expanse of tarmac which is already in place. The site currently offers poor visual amenity especially given the removal of the trees from the bank in 2018.
- 7.6.3 The building is not unattractive and would be broken up via fenestration and a variety of materials. However it does not draw from the local character and is a clear departure from

any other building in the vicinity in design terms and in its scale. Although not typically rural in its appearance the building could potentially sit comfortably within the site context if other elements of placemaking, particularly its integration with the naturalistic environments around it were effectively addressed. These points will be considered in more detail in the 'Trees' section of this report. The proposed hotel would be up hill from the existing public house and would be of an order of scale higher. The applicant has not provided sections between the pub and the hotel meaning it is not straightforward to assess the relationship between the two adjacent buildings. Officers conclude that the relationship between the two buildings is not well made and could potentially be harmful in placemaking terms. However the information to make that assessment is unavailable within the submission.

## 7.7 Trees & Landscaping

7.7.1 Much of the proposed site is protected by a Woodland Tree Protection Order (TPO) W1 of 21/66. The dark green is the TPO'd area in the extract below:



7.7.2 At some point the car park of the Kings Arms was extended to the east into the protected area. There is no record of these works having been approved but they were undertaken many years ago and are certainly immune by now. However the works of clearance on the embankment are recent have being done in 2018. See the photographs below.

August 2015



May 2018



7.7.3 These works were not authorised and took place within the TPO'd area. At the time the Council chose not to pursue formal enforcement action since the owner was minded to pursue a planning application that would have necessitated the removal of the trees in any event. The application in question was for a hotel, which is to say this application which has taken longer to be submitted than initially expected. A TPO does not amount to an absolute prohibition on development within a woodland. Protected trees can be removed if it is necessary to enable an expressly authorised development.

7.7.4 TPOs are put in place where a woodland or tree has a particular amenity or ecological value and especially when such woodland or trees are at risk of removal<sup>2</sup>. The Landscaping Officer

<sup>2</sup> Protected Trees 2013 (Welsh Government publication)

considers that insufficient information has been provided in order to assess the landscape impact of the proposal. She considers that further information is required and raises concerns in relation to:

- Utility runs passing through the root protection area
- Lack of clarity over ground retention and maintenance access around the building
- Probable loss of additional trees due to proximity and the need to retain the ground and a suitable buffer with retained trees.
- The lack of landscaping details to integrate the building into its rural context
- The lack of bio-diversity enhancement
- The urban character of the development
- She requests additional information so that the above points can be addressed.

7.7.5 The Tree Officer also objects for similar reasons. There is insufficient information to assess the impact of the scheme on retained trees. Some of these matters might be conditioned in the event permission were to be granted but others are more fundamental. For example without understanding level changes or access requirements at the rear of the building it is not clear whether trees shown as being retained actually can be. Utility runs would be a particular concern since significant excavation might be required to make these viable. The full impact of the scheme on tree interests on the site cannot be assessed under the information currently submitted. However given the very close proximity of some trees there would be very significant concerns that they would not be retained under the proposed site layout. The Council's adopted SPG 'Trees, Woodland and Hedgerows and Development Sites' SPG (January 2017) requires a 5m separation between any part of a tree and any part of the development which is to include any curtilage. This is considered to give an appropriate separation level but that would not be achieved here. The lack of a buffer and the lack of clarity over how the development will integrate with the woodland and whether this can be done without further harming woodland interest is a concern.

7.7.6 In terms of the removal of woodland from the bank this required TPO consent and did not have it. This constitutes a criminal offence and the Council may issue a replanting notice under Section 207 of the 1990 Planning Act requiring the removed trees to be replaced. Any new trees are also legally protected from removal.

7.7.7 The submitted '*Ecological Appraisal*' (April 2018) notes the trees have been removed to facilitate the development so there seems little doubt as to the motivation for removal of the trees. The report concludes the site, by which it means the cleared embankment and car park is of low ecological value whilst noting the adjacent woodland is of high ecological value. The conclusion reproduced in full is:

*Overall the site (red line boundary) is of a generally low ecological value. However, the boundaries and beyond are likely to be of high ecological value.*

*Some of the important ecological habitats on the site have already been removed to facilitate the development. It is necessary that the remaining habitats are protected using buffer zones and lighting plans to ensure continued ecological functionality.*

7.7.8 Overall the removed habitat must be seen as having been ecologically valuable, indeed the submission tells us this is so. It is worth noting the application site as submitted includes a significant woodland block although built development is not proposed within this area and the protection of the TPO would continue to apply.

7.7.9 The Ecology Officer comments that the development lacks replacement tree planting to compensate for what has been lost, is not appropriately buffered and does not provide any ecological net benefit as required under national policy.

7.7.10 In conclusion the illegally removed tree habitat was of amenity and ecological value. There can be no doubt its level of protection was justified and it is by no means clear that there is sufficient buffer zones in place to protect what woodland has been retained. The development is clearly contrary to Policy GP5 (natural environment) since there is an adverse impact on Landscape Quality, there is an unacceptable loss on woodland that had a wildlife or amenity value, there is no effort to integrate the development into its rural setting by

appropriate landscaping and the proposal does not protect and encourage bio-diversity and ecological connectivity. Officers consider that this weighs heavily against the proposal.

## 7.8 Foul Drainage

- 7.8.1 The applicant proposes to drain foul waters to a package treatment plant. Under normal situations drainage should always be to a main sewer unless this is shown to be impractical. Dwr Cymru / Welsh Water do not comment on the foul drainage arrangements simply accepting that the drainage will be via a private system which will not impact on their infrastructure.
- 7.8.2 The submitted drawing 'Proposed Drainage Plan' contains the only detail in relation to foul drainage. That being that existing treatment plant will be used and if that is not suitable then a new one will be installed subject to detailed specification. The previous sewage treatment plant approved under 04/1212 was to serve the Public House and 4no. houses on Belmont Hill. That scheme appears to have been designed to CNC/NRW requirements and so is most unlikely to be of sufficient capacity to deal with an additional 44 bedroom hotel. It is very doubtful that the specification would be for any more than it was required to serve at the time it was installed.
- 7.8.3 The assessment for application 04/1212 for the plant notes that it was to be located on a separate parcel of land 50m to the south west on the other side of the road. Under this submission it is entirely unclear as to whether the existing facility can be suitably expanded to accommodate extra in-flows. This may be possible but it is simply unknown. As such this cannot be a matter for conditioning since the Council cannot be certain the condition could be complied with. National advice favours connection to public sewers unless it can be shown this is impractical. It is known that in 2004 this was not a practical proposition but it is not clear that it remains so. However had DCWW sewered the area it seems reasonable to surmise they would have drawn attention to that fact. On the balance of probabilities a main sewer connection remains impractical but it cannot be certain that a suitable private arrangement can be arrived at since the applicant has not demonstrated this is feasible. As such the proposed sewerage arrangements are unacceptable and contrary to Policies GP3 (Service Infrastructure) since it has not been shown that appropriate service infrastructure can be provided and contrary to the advice of Circular 008/2018 (Private Sewerage Arrangements) for the same reasons.

## 7.9 Sustainable Transport Hierarchy

- 7.9.1 Planning Policy Wales Edition 10 (PPW10) requires the use of a Sustainable Transport Hierarchy in relation to new development which prioritises walking, cycling and public transport ahead of private motor vehicles. The purpose of the hierarchy is in part to prevent car-dependent developments in unsustainable locations. However this must be tempered by the need to allow appropriate rural development which will inevitably more car dependent due to issues of physical separation. An appropriate balance should be struck where less sustainable locations may be developed if there is a clear public interest in the development proceeding. However it is clear that the Welsh Government seeks to maximise the opportunities for sites to be accessed in a sustainable way, that is even in more remote locations there should be reasonable opportunities to walk, cycle or catch the bus wherever possible.
- 7.9.2 There are no bus stops near the site, Belmont Hill is steep, lacks footways, has poor forward visibility and is generally very discouraging to the use of sustainable transport. In effect the proposal despite its location near the urban edge is almost entirely dependent on private motor vehicles for access. Very few people if any will access the site by sustainable transport. Indeed the site can be seen as performing much worse than locales which are 'deep rural' but at least have the benefit of bus routes, footways or safer / easier cycling arrangements. The submitted Transport Statement states at Paragraph 6.2 that the site has poor access for pedestrians and cyclists while concluding at Paragraph 6.3 that the site is safely accessible by a range of transport modes. This latter statement cannot be correct and is not correct in the view of officers. The site performs very badly in the context of the Sustainable Transport Hierarchy.

- 7.9.3 The Transport Statement does acknowledge that the scheme cannot deliver significant off-site improvements to improve sustainable transport or to link into existing networks, at Caerleon for example. Instead it relies on the provision of a pick-up service (mini-bus) and the use of a Travel Plan to produce a modal shift of 10% over 5 years. However it is impossible to see how any Travel Plan could produce the modal shift sought since there is no safe, convenient or plausible mode to switch to. It will be the car or nothing at this site. It would not be reasonable to rely upon a Travel Plan that has no plausible hope of success in producing any kind of modal shift. In terms of the mini-bus this also seems unlikely to eliminate reliance on the private car since it will not match the flexibility or convenience of a personal vehicle or a private hire taxi. Even if its availability was conditioned it seems unlikely it would significantly reduce reliance on the private motor car. The Head of Streetscene objects to the proposal due to the lack of active travel links at the site.
- 7.9.4 The site cannot be sustainably accessed and is contrary to Policy GP4i since there is no appropriate access for pedestrians, cyclists and by public transport thereby making the site a less sustainable location for development contrary to NLDP Policy SP1 (sustainability). The development will constitute poor placemaking contrary to the advice of PPW10 since it will not encourage active travel or lead to greater well-being and overall sustainability. The lack of opportunities for active travel, the lack of integration with the surrounding woodland and the general poor sustainability credentials of the scheme amount to poor placemaking and significantly weigh against the scheme in the view of Officers.
- 7.10 Archaeology
- 7.10.1 The site is outside any Archaeologically Sensitive Area but given its closeness to Roman Caerleon and the settlement of Bulmore encountering remains is possible even given the previously developed nature of the site (the carpark) and the unauthorised works in the embankment. However there is no reason to think an appropriate condition could not adequately protect any Archaeological interest on the site that remains.
- 7.11 Air quality
- 7.11.1 The site lies outside any buffer zone for the Caerleon Air Quality Management Area (AQMA) and the Scientific Officer advises that there is unlikely to be any significant impact on the AQMA. He advises that provision be made for the charging of electric vehicles should permission be granted. This accords with national policy and could be secured by planning condition.
- 7.12 Highway capacity
- 7.12.1 The Head of Streetscene has not objected to the development on this basis and notwithstanding issues of queuing traffic at the New Road / Caerleon Road junction at peak times this is not seen as a reason to object to the scheme given the limited additional vehicles it would add to the network overall. In any event, hotel traffic will likely not conflict with peak times with check in and check out times and customer activity more likely to be spread over non-peak hours.
- 7.13 Application Area
- 7.13.1 The application form states the application site is 0.3Ha whilst the redline plan shows a larger area of approximately 1.31Ha. In any event the proposal is to develop a small part of the overall site. The majority of the woodland (application area) would be unaffected by physical development and although technically a hotel use would be allowed if permission were granted across the entirety of the site the Tree Protection Order would remain in place and would be an impediment to any physical development within the site if sought in the future. However if permission were granted guests would be within their rights to use the woodland for recreation as Hotel grounds. It is not clear what impact this would have on any ecological interests within the woodland since the Ecological Appraisal did not address this part of the site presumably because it was not to be included in the application but subsequently was anyway. As such were permission to be granted Officers would have applied a condition for the grounds of the Hotel to be delineated by means of a condition thereby precluding use of the wider site.

## 8. OTHER CONSIDERATIONS

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

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that 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. PLANNING BALANCE & CONCLUSION

9.1 The key benefits of the scheme come from its economic impact in terms of some employment and increased spend in the local economy. However these are not quantified or well made out so it is extremely difficult to give them significant weight in the balancing process. Potentially the development could support the Celtic Manor Resort and the Wales International Conference Centre but as noted it is not well integrated with that site and all movements are very likely to be by private motor vehicles. As such agglomeration benefits are limited in the view of Officers.

9.2 In terms of the other TAN23 tests the site does not perform well on the alternatives test in the sense that it is very likely other sites can come forward to meet any unmet need. Refusal of this application will not mean that the opportunity to increase hotel beds in the Newport area is simply lost. In terms of Special Airports the key element of that would be in supporting



the CMR and WICC but as noted the site does not integrate well with those developments weakening any overall benefit.

- 9.3 Overall the proposal constitutes poor placemaking. The building design is judged acceptable but it does not sit well with the wooded areas that surround it and will very likely cause the loss of further trees due to the lack of appropriate buffering and the lack of clarity over ground retention and utility runs. Potentially the scale of the building will dominate the adjacent public house. Protected woodland has already been lost which amounts to a very clear harm of the scheme in bio-diversity and landscape terms. No mitigation for the lost woodland has been offered or can be achieved on the site. This is a very clear harm of the scheme.
- 9.4 The proposed access has not been shown to meet Manual for Streets 2 standards and on balance it very likely does not meet them and it cannot be accepted as a safe access. Although previously approved the intensification of its likely use represents a clear risk to road safety should it remain sub-standard. This weighs heavily against the scheme. The proposed parking levels are below standard and no compelling evidence has been given to justify a departure from the maximum standard. Given the overall lack of sustainability of the site it is difficult to see what reasonable justification could be given. Parking outside the site would clearly constitute a danger to highway safety.
- 9.5 The site cannot be accessed by active travel, it is unsustainable and links poorly to surrounding facilities despite its location close to the urban boundary. This further reinforces the view that the scheme constitutes poor placemaking.
- 9.6 Given the clear harms of the scheme which can only be balanced against poorly made out benefits. Officers consider that the balance of the decision decisively comes down in favour of the application being refused.

## 10. RECOMMENDATION

### REFUSED

01 The proposed development has caused and will cause unacceptable loss of protected woodland without mitigation, to the significant detriment of amenity, bio-diversity interests and the character and appearance of the area, contrary to Policies SP5, CF8 and GP5vii of the adopted Newport Local Development Plan 2011-2026 and the advice of the adopted *'Wildlife & Development'* and *'Trees, Woodland, Hedgerows & Development Sites'* Supplementary Planning Guidance.

02 The proposed vehicular access to the site has not been shown to have adequate visibility to suitably protect highway safety and nor are proposed parking levels adequate to serve the needs of the scheme leading to a risk of offsite parking that would endanger vehicular and pedestrian safety. This is contrary to Policies SP1, GP4 and T4 of the adopted Newport Local Development Plan 2011-2026 and the guidance in the adopted Supplementary Planning Guidance *'Parking Standards'* (August 2015).

03 The applicant has not demonstrated that the proposal can be adequately served by non-mains sewerage or that connection to a main sewer is impractical. This is contrary to Policies SP1 and GP3 of the adopted Newport Local Development Plan and the advice of Welsh Government Circular 008/2018 (Private Sewerage).

04 The proposal integrates poorly with the natural elements of its surroundings, would not be well landscaped and cannot be accessed by active travel methods. It does not relate well to the natural areas that bound it and it amounts to poor placemaking and is contrary to Planning Policy Wales Edition 10 and Policies SP1, SP5, CF8, GP4, GP5 & GP6 of the adopted Newport Local Development Plan 2011-2026.

### NOTE TO APPLICANT

- 01 This decision relates to plan Nos: **Page 49**
- Planning, Design & Access Statement (December 2019)

- Drawing 1333 P02 – Site Layout, as existing
- Drawing 1333 P03 – Site Layout, as proposed
- Drawing 1333 P04– Proposed Floor Plans
- Drawing 1333 P05 – Proposed Elevations
- Drawing 19.0347 01 – Existing Topo(graphical) & Drainage Plan
- Drawing 19.0347 02 – Proposed Drainage Plan
- Drawing 19.0347 03 – Proposed Drainage Details
- Unnumbered Document: ‘Design Materials’
- Drawing WCM/SSR/ALG/BH/FTSP/1 - FULL TREE SURVEY
- Drawing 1228 003 A – Swept Path Analysis
- Drawing WCM/SSR/ALG/BH/RPA/1 - ROOT PROTECTION
- Drawing WCM/SSR/ALG/BH/TS/1 - TREE SHADOW
- Drawing WCM/SSR/ALG/BH/TSP/1 – Tree Survey
- Drawing 1333 P01 – Site Location Plan
- Ecological Appraisal (April 2018)
- Pre-Application Consultation (January 2020)
- Transport Statement (February 2019)
- Tree Survey Schedule (December 2019)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP5, SP9, SP19, GP1, GP2, GP3, GP4, GP5, GP6, CE6, CF8, CF9 & T4 were relevant to the determination of this application.

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

**APPLICATION DETAILS**

**No:** 20/0221      **Ward:** MALPAS

**Type:** FULL

**Expiry Date:** 06-MAY-2020

**Applicant:** MR MOGFORD, NEWPORT CITY HOMES

**Site:** LAND AND BUILDINGS ENCOMPASSING 31A TO 45A, RUSSELL DRIVE, NEWPORT

**Proposal:** INSTALLATION OF EXTERNAL WALL AND ROOF INSULATION AND REMOVAL OF CHIMNEYS

**Recommendation:** GRANTED WITH CONDITIONS

**1. INTRODUCTION**

1.1 This application seeks consent for the installation of external wall and roof insulation and the removal of chimneys at the land and buildings encompassing 31A to 45A Russell Drive, Newport. The properties consist of 8no maisonettes located on the first floor, numbered between 31a to 45a. They are situated above 8no commercial shop units to the ground floor.

**2. RELEVANT SITE HISTORY**

None.

**3. POLICY CONTEXT**

- 3.1 Policies GP2 (General Amenity) and GP6 (Quality of Design) of the Newport Local Development Plan 2011-2026 (adopted January 2015) are relevant to the determination of this planning application.
- 3.2 Policy GP2 (General Amenity) states: development will be permitted where, as applicable:
- i) There will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality;
  - ii) The proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;
  - iii) The proposal seeks to design out the opportunity for crime and anti-social behaviour;
  - iv) The proposal promotes inclusive design both for the built development and access within and around the development;
  - v) Adequate amenity for future occupiers.
- 3.3 Policy GP6 (Quality of Design) states: good quality design will be sought in all forms of development. The aim is to create a safe, accessible, attractive and convenient environment. In considering development proposals the following fundamental design principles should be addressed:
- i) Context of the site: all development should be sensitive to the unique qualities of the site and respond positively to the character of the area;
  - ii) Access, permeability and layout: all development should maintain a high level of pedestrian access, connectivity and laid out so as to minimise noise pollution;
  - iii) Preservation and enhancement: where possible development should reflect the character of the locality but avoid the inappropriate replication of neighbouring architectural styles. The designer is encouraged to display creativity and innovation in design;
  - iv) Scale and form of development: new development should appropriately reflect the scale of adjacent townscape. Care should be taken to avoid over-scaled development;

- v) Materials and detailing: high quality, durable and preferably renewable materials should be used to complement the site context. Detailing should be incorporated as an integral part of the design at an early stage;
- vi) Sustainability: new development should be inherently robust, energy and water efficient, flood resilient and adaptable, thereby facilitating the flexible re-use of the building. Where existing buildings are present, imaginative and sensitive solutions should be sought to achieve the re-use of the buildings.

#### **4. CONSULTATIONS**

None.

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

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

Where scaffolding is required to be placed on the public highway, a scaffolding permit will be required to be issued by the Council.

Consideration be given to how the work may impact the surrounding area, in terms of parking and vehicle movement.

No other highway comment is considered necessary.

##### **5.2 HEAD OF REGEN AND REGULATORY SERVICES (ENVIRONMENTAL HEALTH):** I confirm I have no objections to the proposal however the following condition should be attached to any permission granted;

Construction Environmental Management Plan.

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

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

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

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

#### **6. REPRESENTATIONS**

##### **6.1 NEIGHBOURS:** All properties opposite and with a common boundary with the application site were consulted (46no. properties) and a site notice displayed. No representations were received.

#### **7. ASSESSMENT**

##### **7.1** This application seeks consent for the installation of external wall and roof insulation and the removal of chimneys at the land and buildings encompassing 31A to 45A Russell Drive, Newport. The properties consist of 8no maisonettes located on the first floor, numbered between 31a to 45a. They are situated above 8no commercial shop units to the ground floor. The roof Area is 550 square meters.

##### **7.2** The properties are currently finished in red/brown brick and cream render with cavity wall insulation. It is proposed to install external wall insulation to the first and second floor to soffit and eaves, front & rear. The external wall insulation installed to the front and rear will match the existing render coat and colour. It is also proposed to install external wall insulation to both Gable ends from first floor to soffit and eaves level which will

match the existing brickwork. The applicant has stated that the waterproof covering on the main roof is in poor condition and needs to be replaced. As such it is proposed to install a new flat roof system to match the existing but also increase the level of insulation, which will slightly increase the existing height of the building by no more than 500mm. It also has been noted that the chimneys in place are also in poor condition and in some cases are redundant. As such, it is proposed to remove the chimneys. It is considered that the development is in keeping with the character of the area, and is not detrimental to the amenity of neighbour occupiers, thus in accordance with policy GP2 and GP6 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

## **8. OTHER CONSIDERATIONS**

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

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

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

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

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

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

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

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

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

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

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

## **9. CONCLUSION**

### **9.1 It is considered that the proposed development is acceptable and in accordance with the relevant policies in the Newport Local Development Plan 2011-2026 (adopted January 2015).**

## 10. RECOMMENDATION

### GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Site Location Plan – Drawing No. SL1, Existing Elevations – Drawing No. 02, Proposed Elevations – Drawing No. 04 and Scope of Works.

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

Construction Environmental Management Plan.

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

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

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: Site Location Plan – Drawing No. SL1, Existing Elevations – Drawing No. 02, Proposed Elevations – Drawing No. 04 and Scope of Works.

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

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

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

**APPLICATION DETAILS**

**No:** 20/0271      **Ward:** *LLISWERRY*

**Type:** FULL

**Expiry Date:** 10-MAY-2020

**Applicant:** *N SARGEANT*

**Site:** *NEWPORT STADIUM, STADIUM WAY, NEWPORT INTERNATIONAL SPORT VILLAGE, NEWPORT, NP19 4PT*

**Proposal:** *PROPOSED THROWING CAGE FRAME AND CATCH NETTING FOR HAMMER AND DISCUS TRAINING*

**Recommendation:** GRANTED WITH CONDITIONS

**1. INTRODUCTION**

- 1.1 This application seeks consent for the erection of a throwing cage frame and catch netting for hammer and discus training at Newport Stadium, Stadium Way, Newport International Sport Village.

**2. RELEVANT SITE HISTORY**

90/0147	CONSTRUCTION OF ARTIFICIAL TURF FOOTBALL PITCH WITH FLOODLIGHTING FENCING AND ENLARGED CAR PARK	NO OBJECTIONS
90/0573	CONSTRUCTION OF NEW FLOODLIGHTS FOR TENNIS COURTS AND CYCLE SPEEDWAY TRACK	GRANTED WITH CONDITIONS
91/0333	EXTENSION TO SQUASH COURTS TO PROVIDE NEW CLUB HOUSE	GRANTED
91/0664	DETAILED APPLICATION FOR ATHLETICS TRACK CAR PARK AND ACCESS ROAD.	GRANTED
91/0703	OUTLINE APPLICATION FOR STANDS AND ANCILLARY ACCOMMODATION BUILDING	GRANTED WITH CONDITIONS
91/1199	ERECTION OF SPECTATOR STANDS & COMBINED ANCILLARY ACCOMMODATION & FLOODLIGHTING. (OUTLINE CONSENT 91/0703/DC)	GRANTED
94/0776	CONSTRUCTION OF INDOOR TENNIS CENTRE AND ASSOCIATED FACILITIES	GRANTED WITH CONDITIONS
96/1095	ERECTION OF NEW SPECTATOR SHELTER AND ADDITIONAL CONCRETE TERRACE	GRANTED WITH CONDITIONS
11/0252	RETENTION OF TWO DEMOUNTABLE STANDS SITED AT OPPOSITE ENDS OF FOOTBALL PITCH	GRANTED
11/0975	ERECTION OF 2 STOREY OFFICE BUILDING AND ASSOCIATED OUTBUILDINGS, ALTERATIONS TO REAR ELEVATION OF EXISTING VELODROME TO PROVIDE STORAGE AND ACCESS TO NEW PITCHES, CONVERSION OF EXISTING ARTIFICIAL TURF PITCH TO PREMIUM GRADE GRASS PITCH, ALTERATIONS TO EXISTING GRASS PITCH TO FORM NEW ARTIFICIAL PITCH AND GRASS PITCH, AND ERECTION OF ASPHALT FENCING,	GRANTED WITH CONDITIONS

	<b>FLOODLIGHTING, SPECTATOR STAND AND PARKING AREAS, TOGETHER WITH DEMOLITION OF EXISTING SKATE PARK (AFFECTING PUBLIC RIGHT OF WAY 395/12, 395/13 AND 395/14)</b>	
<b>09/1079</b>	<b>PROVISION OF PORTACABINS FOR USE AS CLUB SHOP WITH BALCONY</b>	<b>GRANTED</b>

### 3. POLICY CONTEXT

3.1 Policies SP3 (Flood Risk), SP12 (Community Facilities), GP2 (General Amenity), GP6 (Quality of Design) and CE6 (Archaeology) of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) are relevant to the determination of this application.

### 4. CONSULTATIONS

4.1 NATURAL RESOURCES WALES (NRW): No objections.

4.2 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST (GGAT): No objections.

### 5. INTERNAL COUNCIL ADVICE

5.1 None.

### 6. REPRESENTATIONS

6.1 A site notice was erected at the site. No comments were received.

### 7. ASSESSMENT

7.1 The proposed throwing cage would be used for hammer and discus training. It would include a throwing cage frame with net and associated security fencing. The maximum height of the cage gate would measure 10m with the rear of the cage measuring a height of 7m. The overall size of the area, including security gates and netting, would measure a width of 9.7m and a depth of 14.6m. The throwing cage would be located to the west of the site, adjacent to the car park.

7.2 With regard to design, as the throwing cage largely consists of netting with an associated frame and security gates, whilst the facility would be visible from the A48, it is considered given the nature of the area as a sports facility, the throwing cage would not detract from the character and appearance of the area. There is a large industrial building located to the west of the proposed location of the throwing cage, given the scale and nature of the building, it is not considered that the facility would impact upon the amenity of the area. Overall, given the nature of the site and surrounding area, it is not considered that the proposed throwing cage would result in a harmful impact on the visual amenity of the site or wider area.

7.3 Policy SP12 states that the development of new community facilities in sustainable locations will be encouraged. This includes outdoor and indoor sport and leisure uses. Planning Policy Wales notes the importance of providing access to a range of facilities including community and open spaces, and maximising opportunities for community development and social welfare. Proposals that help achieve this aim, through the provision of new facilities will be encouraged. It is considered that the location of the new facility is a sustainable location as it is within the grounds of Newport Stadium which facilitates a number of sporting services.

7.4 The application area is situated within the Newport Archaeologically Sensitive Area and close to the Gwent Levels Registered Historic Landscape, specifically the Nash/Goldcliff Character Area, as such, Glamorgan Gwent Archaeological Trust (GGAT) were consulted on the proposal. They have stated that the current proposal is unlikely to affect the Landscape. Furthermore, there are no known sites within, or in close proximity to, the development area. Similarly, a review of historic Ordnance Survey mapping shows no archaeologically significant features or structures in the vicinity. Therefore, GGAT consider that given the limited scale of the groundworks associated with the proposal, it is unlikely that significant archaeological remains will be encountered during the development. As such, GGAT have no objection to the proposal.

7.5 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 of the River Usk, a designated main river. Natural Resources



Wales (NRW) and have stated that given the scale and nature of the proposed development they have no objections subject to the development being made aware of the potential flood risks to these areas.

## **8. OTHER CONSIDERATIONS**

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

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

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

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

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

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

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

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

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

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

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

## **9. CONCLUSION**

9.1 It is considered that the proposal would accord with the aforementioned policies and is considered acceptable.

## **10. RECOMMENDATION**

### **GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents: Site Location Plan, Elevation of Cage and Floor Plan of Cage.

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

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: Site Location Plan, Elevation of Cage and Floor Plan of Cage.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP3, SP12, GP2, GP6 and CE6 were relevant to the determination of this application.

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

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

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